

DDDS Governor's Advisory Council  
Medicaid Transition Day Services Work Group Transcription  
May 13, 2015 9:30 a.m. – 12 p.m.

Members Present: Teesie Bonk, Gary Cassedy, Marissa Catalon, Katina Demetriou (conf. call), Susannah Eaton-Ryan, Brian Freedman, Terri Hancharick, Emmanuel Jenkins, John Mahon, Daniese McMullin-Powell, Barbara Monaghan, Kimberly Reinagel-Nietubicz, Thomas Rust, Sybil White, Gail Womble

Guest Present: Bill Monaghan, Vicki Haschak

FEMALE SPEAKER: Krista didn't seem to sign in. She's being a rebel.

FEMALE SPEAKER: Yes, she did.

FEMALE SPEAKER: I did.

FEMALE SPEAKER: She did.

FEMALE SPEAKER: Oh. She did. Sorry.

FEMALE SPEAKER: That's fine. That's fine. There are two sign-ins.

FEMALE SPEAKER: Oh. I didn't sign that one.

FEMALE SPEAKER: Yeah. Yeah, the other one isn't at the door.

MALE SPEAKER: (Indiscernible)

FEMALE SPEAKER: So two sign-ins are going around. Please, sign both of them –

FEMALE SPEAKER: And then one of them –

FEMALE SPEAKER: -- one for our meeting, and then one is for DDDS, also. I guess he's in the building. I'm not sure.

FEMALE SPEAKER: Oh. Jonathan –

MALE SPEAKER: Oh. I have another one to do again?

FEMALE SPEAKER: Uh-huh.

FEMALE SPEAKER: Is there -- is this your pen, if this goes with it?

MALE SPEAKER: Well, that goes with mine.

FEMALE SPEAKER: So based on our meeting last week, we're 1 meeting at 9:30 today. I -- I forgot, when I sent out everything, to remind everyone, but it seems like everyone remembered. So -- and we're not going to go over the meeting rules or the goal of this workgroup. But you can see them on your agenda, if you want to refer to them, because I know everyone this week wants to stay on message and stick to the goals of the workgroup, right, everyone? Everyone wants to do that?

FEMALE SPEAKER: Yes. JOHN: Nah.

FEMALE SPEAKER: John is the rebel. He's going to be trouble today.

JOHN: I just didn't –

FEMALE SPEAKER: He's causing trouble. JOHN: (Indiscernible). I believe it was one descending vote.

FEMALE SPEAKER: Does anyone have additions or changes to the agenda besides myself? Well, first off, who's -- just a change. Lisa Burberg (ph) will not be here today, so Marissa is -- has wonderfully jumped in to take over that task of getting everything up there. She'll be taking our minutes, and hopefully, put up the grid that we're working on. Morning, Brian.

FEMALE SPEAKER: I'll get it.

FEMALE SPEAKER: She doesn't know about that. But we'll see. And then the second thing to the agenda, after we review the minutes and transcripts, Gary's agreed to give his -- some insight from last night's meeting with Steve Groff (ph) that had a BBMA, which the meeting was essentially all about what we're doing. So I thought it might be good if someone sort of gave some ideas of what happened last night. So -- did everyone review the meeting transcript and the minutes from last meeting? Barb graciously said that maybe we didn't have to do that. We could save some time. But I explained, if anyone had anything they wanted to change, we really needed to accommodate this. But it seems like no one does, Barb, so you're covered.

BARBARA: Okay.

FEMALE SPEAKER: Okay. So we'll move on then. Gary -- and then -- I'm sorry. Several people here were at the meeting last night, family speaking up, where Steve Groff was the speaker. And that includes myself, TC, Gayle -- Gayle, that's right. You weren't there.

GAYLE: In spirit.

FEMALE SPEAKER: TC and Gary and myself. I guess that's it at this table. So TC, if you want to add anything to what Gary has to say.

GARY: His remarks were fairly brief. And most of the meeting was questions and comments from folks in the audience. He did clarify that even though DMMA is described as the ultimate authority within Delaware in relation to the plan in terms of what's actually submitted, et cetera, he corrected that a little bit in that, according to him, the ultimate authority is actually the cabinet secretary, Rita Landrown (ph). So he was basically willing to step aside for people's real pressure, such that it could be exerted on the secretary rather than himself.

FEMALE SPEAKER: Very good move.

GARY: Yeah. He did indicate that he's very interested in all of the inputs. And he does seem to be sincerely, you know, impressed with the sincerity and the impact of everybody's statements. Let me see. There was a -- there was some -- there was specific questions about the membership or the participation and the verifications. And he sounded like he was a lot more flexible than what Jane Gallivan (ph) had sent to us in terms of who might be involved. And there was some input from the audience that they thought that the process would be somewhat adrift without any provider participation in terms of people understanding what goes on in programs. And he seemed like everything else, he was receptive to the input. Doesn't mean anything ultimately. But he's -- you know, he does seem to be really processing all the input, et cetera. But I think -- I think that's -- he didn't really say much of anything. Anything new.

FEMALE SPEAKER: TC, did you have any thoughts, and then I'll wrap that up?

TC: What I was a little concerned about, and I could be wrong, is that he didn't seem to know exactly how the appeal will go. I mean, he like threw his name out there. Then he -- when people started looking, then he did Jane. And then he did mention the governor. And I don't know -- and I wanted to ask you, Gary, did he mention a fair-hearing officer? Like I guess we're working on this, and this isn't our job, I'll make it brief, but I'm worried now what's going to happen after all this. If there is nothing in place, this seems very important to me, that once the assessment's out, and we do the -- I always want to say wraparound. I know it's not wraparound. What is it?

FEMALE SPEAKER: Look behind.

GARY: The verification.

FEMALE SPEAKER: Look behind.

TC: If we don't have anything in place when there are deviations, what is going to happen? Like this has to be really well thought out and fair.

GARY: I think it is -- one of the things that has not been decided, and I think they haven't gotten that far in the process --

TC: Oh. Okay.

GARY: -- but that probably means that they'd be all the more receptive to input.

TC: Okay.

SUSANNA: This is Susanna. I think we're -- it was -- in my opinion, it was clear, from his discussion, that there were a lot of things that he acknowledged had not been worked out yet that were still in -- in the process. And I thought that it was very good that he was out there listening to what people said when he openly acknowledged that there was still decisions being made and processes being established. And he did seem very open to input from everyone and from all areas, not -- that just happened to be a group last night speaking. But I think he had that attitude about everyone, be it advocates, self-advocates, counsels, family members, providers. So I thought that that was a good sign. A couple of things that I thought were -- some important and some interesting. One, he said -- really asked about how decisions would be made, and where the authority would be, which Gary talked about already. He said DMMA is the funder. The divisions are the authority on the services. So he really threw you guys under the bus, mostly. And -- but he really did let us -- hope that we would understand that he was a funder. He was not -- he didn't -- didn't have boots on the ground. He wasn't the person who would understand the details and the nuances of what we were trying to -- what we felt was important. You know, what people felt was important. So I thought that was interesting. And the other thing he -- when he opened up, he -- he talked about the four categories. And I thought -- and I keep talking about that, because I think we should organize our information in the way that CMS and DMMA are going to view it. And so I'm going to contact the deputy director of DMMA today and just clarify what those four categories were, and then see if when -- when we finish our work, if we can actually plug our assessment questions into the categories that they have in their mind that they're targeting. So -- GARY: You mean, aspects of the rule? I believe there are five.

SUSANNA: The ones that I have are -- one -- this is when he first opened up and was explaining what we're doing. And he said essentially, CMS wants to assure that certain things are a particular way. One is about supporting full access for people with disabilities. The second one, I didn't get, as I was taking notes. The third one was about individual privacy. And the fourth one was about independence and autonomy. So I'll find out what the second one was, if no one else has notes about that. But just something I think we're looking at, the kinds of questions we want in our assessment, we want to recommend for this assessment, and how they match up to that which he was talking about.

TC: Susanna, when you speak, you're going to talk to Steve, right?

SUSANNA: I thought I'd call -- I think her name is Liz.

FEMALE SPEAKER: Lisa SUSANNA: Lisa. TC: Okay. The beginning of the meeting, he said they had sent the plan to CMA, and they came back with three comments, but he didn't say what the three comments were 8 SUSANNA: Right. But what he did say, which I was talking to

Marissa about, what he said was they seemed standard comments that simply were letting us know that they get our –

FEMALE SPEAKER: Well, I'd still like to know what they said.

SUSANNA: Is that something you could –

FEMALE SPEAKER: Oh. Yeah. Sure.

KIMBERLY: This is Kimberly. So he did not indicate that CMS had approved the transition plan yet?

SUSANNA: They have not.

GARY: Definitely not.

SUSANNA: He indicated that they have not.

KIMBERLY: Okay.

FEMALE SPEAKER: They had three comments. GARY: I think CMS may have approved maybe two.

FEMALE SPEAKER: Yeah. Okay

GARY: So all of the ones we've looked at are submissions and we have no idea whether they'll be approved or not so we can't put a whole lot of faith in anything we've seen other than I agree with Susanne, and I think, Thomas is -- I think I've heard him say there are five de-components under the rule. I agree. And in retrospect, we probably should have had some basic discussion around those five concepts because we got down 9 into weeds rather than starting at a higher philosophical level. But I agree with you. And Thomas Maybell (ph) may be able to help. And I looked for, briefly, this morning, but ran out of time. I think they're clearly enumerated in some of the documents that we've got

SUSANNA: I think -- this is Susanna. Everyone remembers, you have to state your name. This is Susanna. And I think they are, too. But by this morning, I -- there was no time for me to actually review those. But I'll look at that, too, and I'll talk -- and I will talk to Thomas, and I'll talk to Lisa Zimmerman, and make sure that we have that. And when I thought about it, Gary, I thought, yes, I wish we had done it. We initially talked about categories early on, and then decided to table that. But I think it will be obvious, with the exception of maybe a few questionable ones, I think it will be obvious what categories they fit in, you know, because I think everyone is sort of dealing with the same thing. I had a -- you know, just top-of-the-trees conversation with Libby, the chair of the residential committee, and you know, they're doing the same thing we are. We're all doing the same thing. And it seems like all the other states are, too. So I think it -- you know, I think it will be more obvious and not a difficulty to do that -- 10

GARY: Right.

SUSANNA: -- at the back end.

GARY: One other comment that I now recall from Mr. Boroff (ph), near the end of the evening, he was obviously impressed with the number of entreaties from the audience in terms of not disrupting what people had expressed as their preference all along in terms of the particular setting in which they're receiving services. And he seemed very sensitive to that and he expressed some frustration that with the CMS community integration rule, and the pre-existing intermediate care facility standards, which pertain to Stockley and Mary Campbell Center, there's now a definition of community settings. And he's struck by the fact that now that we've got longstanding programs that many people have expressed a preference for and are dependant on in congregate facilities in day facilities and prevocational, in particular, for which

there are no federal standards. So he's struck at, basically, there's a lack of federal standards describing what those settings are and what the standards should be. And he -- he seems to be in a dilemma, because he's going to be stuck between public opinion that's already been pretty strongly expressed in terms of what is in line with people's preferences and there gap in federal guidelines. So I think, you know, 11 it sort of captures our dilemma in part, because there is the system that the state and the feds have built for all these years and now, they've interjected something new that changes course, but people are left in other situations.

DENISE: This is Denise. Could you fine-tune that --

GARY: Sorry. Well --

DENISE: -- the frustrations that he has?

GARY: Sorry. Well, there -- the institutional regulation is longstanding. Stokely and Mary Campbell Center. And then this is all new as of a year ago, the community definitions. And in-between are the so-called congregate service settings that many people are expressing a preference for, day-rehabilitation programs, sheltered workshops, sometimes, group homes that are not in keeping with the newer standards in terms of dispersion around the neighborhood and things like that. And he is expressing this -- some frustration with the notion that, clearly, a lot of the constituents are in favor of maintaining some of those programs as they currently exist. But the feds are diverging and leaving those in no-man's land. So -- because you know, he's really from a regulatory perspective that has to be aligned with the feds. And we're leaving a whole lot of people in the middle, where 1 it's not currently regulated. And if we force those people out of those programs, it's going to be hugely disruptive. And that's what he was really sensitive to from the input from the parents, that they were really alarmed from the people being displaced after having, you know, partnered in the same programs with the same people for many, many years.

SUSANNA: Another thing that I wrote down that I thought was interesting that he said, the rule does not prohibit services. It simply eliminates funding if they don't comply. And he --

FEMALE SPEAKER: Federal funding

GARY: Right, federal.

FEMALE SPEAKER: Federal funding.

SUSANNA: Right. And his point was, there are other funding sources and that there was no intent -- I believe, he literally said, people should not be concerned and fear about any current services going away. He literally said that. So you know, I think that those were reassuring comments for some people who are very concerned about their loved ones and where they're going to be next year or in two years. He also said, which I thought was sort of a big red flag for us to think about, everyone talks about it as a five-year plan. Year one is gone. We're now into a four-year plan. So you know, we need to start --

GAYLE: This is Gayle. How can you say no one should be concerned, services won't go away? Just in general, with the state's budget situation and five percent cuts being asked for around various different places, and I don't know the whole deal, but I know that DDDS is looking to the arch, and I don't know where else. How can anybody say that people's services are going to continue? Especially, if you wind up on the day-hap side that has no federal match?

SUSANNA: I don't know. This is Susanna. I can't speak for him. I don't know how he can say that.

GAYLE: Yeah. I'm just saying --

SUSANNA: You would have to ask him.

GAYLE: I'm just saying -- I'm wondering how he --

SUSANNA: But he did say it.

GAYLE: And I'm sure he was sincere.

SUSANNA: Kimberly?

KIMBERLY: This is -- this is Kimberly. I was just going to reiterate Gayle's point. I think funding is still an issue, whether we have the federal match or not. I mean, we already have the I-cap we're basing solely that says we're 32 million dollars underfunded at this point for services, and that's the state and the federal match. You take away having a federal match, that whole -- is 100 percent general fund. So it's still something that I would say is probably concerning.

MARISSA: This is Marissa. Unless perhaps he was thinking of, as you said, other funding sources. Maybe he wasn't thinking necessarily just total state funding. Maybe there are other sources of funding out there that -- that could allow for activities to continue. Just a -- I don't -- I don't know what exactly he was thinking but just my two cents.

FEMALE SPEAKER: Susanna, can we -- can we bend the rule? Lisa was there last night. Would she be able to put something, or you have to wait until the end when you ask us to --

SUSANNA: We'll wait until the end.

FEMALE SPEAKER: -- a question --

SUSANNA: We don't want to open that can of worms.

FEMALE SPEAKER: Once?

SUSANNA: Sorry. I'm sorry. I think it's best not to --

FEMALE SPEAKER: Okay.

SUSANNA: -- because then we can open a way up. Sorry.

DENISE: This is Denise. I think maybe -- I don't want to speak for Steve, but I used to work for him, so I've had lot of conversations with him, which sometimes, were understandable, and sometimes, weren't.

GARY: That's very encouraging.

DENISE: I know. He might be referring to when the feds come down to it, there is funding through nursing facilities and ICS and there is funding for home and community based services and there's a divide. Delaware leans much, much more towards funding for nursing facility and ICS. Real heavy on that side than home and community based services.

FEMALE SPEAKER: That pillar --

DENISE: Yeah, we're in the bottom five of the whole United States. Where comes the funding for home and community-based services? So I think what the whole thing is supposed to be about is the quality of services received by the individual, whether disability. And I believe, and I hope they're speaking truth, that the feds want a quality of the services to be heightened, to be better. And that's why they have these rules, which aren't exactly totally new. It's just clarifying the definition of what's home and community based, and what's facility based or institutional-based services and how they're delivered, if they're delivered in an integrated setting. I mean, if you have to answer a question and say, does 1 your facility isolate, and the people that go there can't do anything else and the same rules apply to everybody in there, then the answer to that question would be yes. If it's basically, you know, back and forth, well, we provide these services and these services, and there's choice, you kind of divide it up, then the answer would be no, we don't isolate. We do the best we can to provide the services in the most integrated

setting according to the needs of the individual. And I think that's what the whole thing on the rules is, is to better define that according the American with Disabilities Act that has the most integrated setting plan date in homestead, which confirms that in a homestead. So it's not all new. And I don't believe that there's any individuals that should be afraid that they're not going to get services. Maybe the funding source would change through the feds. Maybe the way the services are delivered. And sometimes, when you get down to it, maybe some of the providers need to sort of upgrade and -- and change their ways a little bit here and there and that's what the survey is about, where do we need to improve it and can it be improved or is that the most integrated setting that's available or that can be put.

SUSANNA: This is Susanna. I think you're talking about 17 your opinions about these things versus the tall CMS rulings or -- and -- and so I think it's -- what's saying is that last night, one of the things he said, which I found interesting, was that CMS did not -- that he was sure everyone in the room philosophically would agree that the reason for these rulings was that CMS did not want to deny people any opportunities. And I took that and said -- and I had to go there. It seems like some of this is about denying opportunities that some people's opinions think are the wrong opportunities. I didn't say that. I thought that would be a little confrontational in a situation that was very open and respectful. But -- so I think you have to be careful. And I don't think that's our job here any way, so say well, this is my opinion about what should be there and how things should be. Our -- our role here is really to come up with an assessment tool that provides CMS with the ability to determine if we're in compliance or not. So you know, I don't mean --

GAYLE: Move on.

SUSANNA: You know. But he did say that. And I thought, you know, well, if services go away, any services, that polite be denying someone the opportunity to have what is most appropriate and integrated for them. So you know, it's -- any one can have an opinion on either side of 18 that, but that's not really what we're here to do. So --

BRIAN: This is Brian. I just want to add, I think it's important to also understand the context in which these statements were made, not that that would necessarily change what Steve's comments were. But you know, there is a guiding philosophy behind the family speaking up group that's held by many of those -- members of the group and I imagine many people in the audience. And so --

GAYLE: Which is -- yeah.

BRIAN: Why? You guys can speak to that.

GAYLE: Well, you're asserting it, so what do you think it is?

BRIAN: The sense that I've gotten is that there's a desire to ensure that -- that there is adequate choice for, you know, all various choices, including all existing choices in the state. And so, you know, I would imagine, it was an environment where, you know, depending on who the audience members were, their questions were going to be asked in particular ways, so I do want to be careful. I mean, it wasn't a -- this -- this wasn't a meeting that we were all at. And -- but there was a subgroup of us that were -- that were there. So I don't know. I just think it's important to kind of keep that context in 19 mind. I'm not saying that we shouldn't take -- incorporate his comments into it. But I think it's always important to understand the context.

GAYLE: I agree with you. And I'm Gayle. I'm not sure that this is an appropriate discussion for this group

SUSANNA: This is Susanna. All I wanted to do was update those things that were pertinent to this group that were said in last night's meeting. And I think we've covered them. I didn't mean to cut you short, Denise, did you feel that I cut you short?

DENISE: No.

SUSANNA: Okay.

DENISE: And this is Denise. I don't think that we're that much in disagreement.

SUSANNA: Okay. So did we get anything out of this discussion, or did we just waste a half hour? I guess, we'll move on now to Marissa.

MARISSA: I have no update

SUSANNA: And she has no update. So –

MARISSA: I apologize. This is Marissa. I apologize. I haven't had a chance to catch up with Jane for the one question, which was once this committee submits its recommendations, and the division reviews and makes a decision as to how to move forward, if that revision, revised plan, would come back to this group. So I haven't got a decision on that. I apologize.

GARY: She's avoiding you.

MARISSA: When have you known me to avoid -- GARY: No, Jane is avoiding you.

JOHN: This is John. This is John. This is about you, not Jane. She's avoiding you.

GARY: Which means we've known you too long.

SUSANNA: This is Susanna. Kimberly, you were going to bring us some feedback from the residential group regarding the V word?

KIMBERLY: Yeah. There really is no feedback to be provided. I shared with them the comment that is were express here, and Denise had shared some comments as well with them at the end of the meeting. They didn't get to it, their list to be discussed. So they have their own questions they're going through at this time.

SUSANNA: So this is Susanna. Are we all comfortable with waiting until they discuss it and so we will not discuss the V word today?

MALE SPEAKER: Yeah.

SUSANNA: Everyone make a promise to that.

FEMALE SPEAKER: Yeah.

FEMALE SPEAKER: They can keep that over there.

SUSANNA: Terry's not here. So when she comes in, we have to remind her that we've all decided without her. Okay. As you can see, Lisa's not here. Marissa is graciously working with our technology assist. And she also copied all of this grid, which we had hoped would be up and we would be working on it on the monitor. But –

MARISSA: I got it.

SUSANNA: She's got it. Okay. She'll bring it up. Excellent. Did anyone have -- I know, I just sent this out yesterday around 2:00-ish. Did anyone have a chance to look at it? That be a resounding no.

FEMALE SPEAKER: No.

FEMALE SPEAKER: No.

SUSANNA: Okay. So we'll look at it together here



GARY: There is Gary. Given that there are a lot of items on here, maybe we can establish some notion of how we're going to approach the challenge of flagging these as meaning something. You know, either in, out, maybe. Because we're going to have to figure out some way to streamline this calling process to make sense of it.

SUSANNA: This is Susanna. Did anyone look at the number 5 on our agenda of a process? It's very broad. But I thought the first step would be to weed out any duplicate questions, narrow it down to only one -- so she has each state. I believe she made an effort to weed out, but we might be able to just do that first. It's -- it's -- I see there meeting as a real working meeting even though we started out discussing, I see it really as digging in, getting down into it and working through it.

BRIAN: This is Brian. So are you proposing -- I did see the agenda A through D, in particular, under Number 5. So would we be going through each question and saying, is this a duplicate, is this a one-two question, what are the services for the question, or are we going through all of them and going back through all of them? What were you proposing?

SUSANNA: I was proposing doing one at a time. But now that you bring that up, I think that may be better, to look at all of those questions at one time, each time we view A through D, as we look through each question. Does anyone --

BRIAN: (Indiscernible) SUSANNA: And Emanuel also agrees -- you know, he speaks quietly up here. So I vocalize that for him.

MALE SPEAKER: Thank you.

SUSANNA: Any thought on that? John, Gary? Does everyone want to take five, and just quickly look through it, since they did not -- not have the opportunity to do that yesterday? So it's five after ten. We'll -- we'll take until about ten after, according to that clock. (Brief recess.)

SUSANNA: Okay. So this is Susanna. Do we feel ready to start now? For the first state we're looking at, South Dakota. Does someone want to -- John, you want to drive us through South Dakota? JOHN: Do I want to drive you through -- sure. This is John. What -- do you want me just to read through this?

SUSANNA: Yeah. JOHN: Is that what you want me to do?

SUSANNA: I think -- we're going to look at all of the considerations. Is it -- we can't -- obviously, it may be duplicated later, but it would not be from the first read. But -- on

JOHN: But you're not looking for me to comment on any of this?

SUSANNA: Well, I think we want to have group comment. JOHN: Okay. Name and title of person completing the survey. Just stop -- stop me whenever you want to make a comment. Above person's contact information. Number of individuals served at the program or service location. What services are offered to individuals in your setting. Check the ones that apply. Day rehabilitation, day vocational, group supported and individual supported employment. 4 I should note that to the far right, there are boxes also indicating, I assume, to check which one the individual is currently in, and what program you're addressing Is the setting on the grounds or adjacent to an institution, yes or no.

DENISE: John?

JOHN: Yeah.

DENISE: This is Denise. (Indiscernible)

JOHN: Jump in.

DENISE: And it sounds like I'm on the other side that I'm usually on. When it says, is the setting on the grounds of work adjacent to an institution, if we are talking about an assisted-living facility where people have chosen to go and live, and there's a different area that's –

FEMALE SPEAKER: Nursing home

DENISE: -- intermediate care and there's nursing home level, I –

JOHN: I think that's a fair question

DENISE: My job at TMMA was to visit every single nursing facility in the entire state and give options to people. And so I've been in those places where this floor right here is totally different than up stairs where the nursing facility is. And there might be some questions.

SUSANNA: So -- this is Susanna. Denise, are you saying 25 that you think we should take this out? That it isn't necessary for our assessment tool?

DENISE: It -- it must be there, but it's one -- it's a CMS question.

SUSANNA: Okay.

DENISE: It must be there. But I'm saying, what I mentioned before, before the meeting started, about probing questions, like -- now, I can't even think of any.

JOHN: But all -- this is John. I think what I'm getting at, as you're indicating, this is not a yes or no answer.

FEMALE SPEAKER: Right.

JOHN: That there is -- this requires a third box –

FEMALE SPEAKER: Right. JOHN: -- that allows the opportunity to explain why the setting is. No? No one –

FEMALE SPEAKER: It would be -- if yes, if it is on the grounds, if yes, explain how the service is home and community based or try to –

DENISE: I'm also -- this is Denise. I'm also pretty sure that CMS won't accept that. Well, it's home and community based, even though it's on the grounds. I'm pretty sure that CMS is -- well -- (indiscernible)

FEMALE SPEAKER: Well, defining how it meets –

DENISE: -- gave that to --

FEMALE SPEAKER: -- home and community based services that they're providing.

DENISE: But I think we should understand that it includes also assisted-living facilities, which may or may not be a problem –

GARY: This –

DENISE: -- (indiscernible). GARY: This is Gary. I've been told that in -- in fact, as the process has been progressing, and I believe, it's North Dakota, there, indeed, is a case where there's a - I believe it's a group-home residence and a day program that are either on the grounds or adjacent to a -- what had been an institution. The -- so the state said that they were not in compliance, but they were asking for heightened scrutiny. The feds are the contractor to go in and look at the setting, because by all appearances, and normal judgment, it would be in violation of the rule. However, under heightened scrutiny, the contractor found that they were in compliance because of the characteristics it actually operated, that it was not a setting that

isolated, because you know, it had all the other features in place that trumped the physical location.

DENISE: This is Denise. 7

JOHN: Now, that's under appeal, and it's being redone.

DENISE: This is Denise.

JOHN: But –

DENISE: I've read about that. And in the location that it's in was very, very secluded. Meaning, way out in the middle of nowhere. And so –

MALE SPEAKER: That would be all North Dakota though.

DENISE: Right. And she said –

FEMALE SPEAKER: Out of the state.

DENISE: So it is North Dakota in the context, this might not be comparable to Delaware where we're all together. We couldn't say, well, here -- here's a -- you know what I mean?

SUSANNA: This is Susanna.

DENISE: It's just different

SUSANNA: How would we translate this conversation into something meaningful for this question?

GARY: Well, this is Gary. And I think it goes back to the format of the response set. And I think it could be a "no but". So the provider would admit that, you know, they're literally in a bad setting, according to the rule. However, they go on to enumerate that, you know, basically, they're -- they're, essentially, appealing that notion because of the other features of the setting. 8 They're -- they would be asking for heightened scrutiny.

DENISE: This is Denise. I think we ought to be careful though that we just don't take everything and throw it to heightened scrutiny saying it's all okay, and it should go through heightened scrutiny. For instance, the cottages on Stickily. There are people already being moved to other - other group homes and other settings, so they're taking care of that situation. So it may not even apply in Delaware, because that's the only one I can think of other than assisted lives places so –

SUSANNA: And this is Susanna. So our conversation earlier, Denise, one of the things we discussed is, there are questions on here that just don't even apply to Delaware, because -- I mean, Jane always says we're much further ahead than a lot of states. I know not everyone agrees with that. But she does say that. So there are areas where -- for instance, we don't have five institutions or -- what do we have? Two.

DENISE: We have five.

SUSANNA: Do we? All right. We don't want -- we don't want to go through that.

DENISE: State-run institutions. And we have actually about 45 institutions in the State of Delaware. Most of them private. SYBIL: So you just put, if yes, explain? 9

SUSANNA: We -- we -- there was no answer to it. SYBIL: I'm sorry. This is Sybil. I wonder if, once this tool is developed, is it going to be a case of you have six checkmarks on here, so you fail, or is it going to be a case of you have six checkmarks on here, so we're going to look at these and see what they are? If something like this wouldn't be then in the process, you know –

FEMALE SPEAKER: Put under a heightened scrutiny.

SUSANNA: This is -- this is Susanna. Sybil, I think we've tossed that around a lot. And we -- we know that we don't know. Okay?

SYBIL: Okay.

SUSANNA: And Steve didn't know last night. And so I think that that's -- you know. And what he said repeatedly, TC, correct me, or Gary, I think he said these are things that we have to answer these questions as we move along. I don't think it's going to be -- I don't think we're going to have any role in answering those questions. All we can do is toss them off to Marissa, and hope she gets back to us with answers.

FEMALE SPEAKER: Right. JOHN: This is John. Going back to that -- to the -- that we're developing the tool. I mean, what we're doing --

SUSANNA: Recommending --

JOHN: -- is making recommendations. So I think it's perfectly legitimate for this -- this group to say, as a recommendation, that, in fact, there is a box that says either yes or no, and if it's -- if it's adverse to what we believe the community based is going to be, then that should be the part where -- the point where we're recommending that there be a place to offer an explanation.

FEMALE SPEAKER: Right. Absolutely.

JOHN: And it is recommended. And this is just a tool. I don't know that we have -- I guess my point is, I don't know that we have to answer all of these today. We're just putting a tool together.

FEMALE SPEAKER: Right.

SUSANNA: And John, what did you say, recommend a place for --

JOHN: Yeah, I think --

SUSANNA: -- comment or --

JOHN: Following up on Denise's piece on there, if, in fact, there is a possibility that this ruling would require explanation, because something exists that really is community based -- makes the community base rule book by the visual looks bad, I think you need to be able to explain that.

FEMALE SPEAKER: An explanation. I agree

DENISE: This is Denise. On second thought, maybe, because there's few assisted living facilities that are connected to an institution, that maybe that might be the exception that would be subject to heightened scrutiny. So the answer could be yes or no. You have to put down yes if it was on the grounds. There could be a couple of probing questions, which I was mentioning before, like are the residents free to come and go and do whatever they want to in the assisted living part. Are they obligated to go into the institution when they decide they are, or when one person decides they are. Little -- they're not little things, but things like that under it, so that when someone is looking at that, like the State of Delaware, that they figure well, this should go to heightened scrutiny or there is a no. There should be a place where there is remediation that could be done. Are you willing to remediate the problem and change things.

KIMBERLY: This is Kimberly. When you're talking assisted living, that's a residential facility, so it doesn't even fall under this category of questioning, does it? I can see it -- totally see it on the residential side.

FEMALE SPEAKER: Now, it does.

KIMBERLY: But does it also apply to -- which one does it apply to?

FEMALE SPEAKER: Yup, it does.

FEMALE SPEAKER: Why would it then?

KIMBERLY: Why --

JOHN: Because in some places, there are day services that are located either on the grounds of state institutions or adjacent to them. So it's considered to be just as pertinent. You know. And the impact might be differential. But I think it's important to remember that whatever the providers do in terms of self-assessment, DDDS is going to turn around and vet, and eventually, it's going to be turned over to the feds. So it's -- it's -- everything doesn't hinge on the -- what's put into the self-assessment. You know, the whole determination is a bigger picture, that is the responsibility of the division and -- I'm sorry --

FEMALE SPEAKER: No, that's okay.

JOHN: -- both divisions, and then ultimately, CMS.

KIMBERLY: Okay. I apologize. Denise was using the example, assisted living. And to me, that's residential, not -- not day. But I didn't realize that some of these day-rehabilitation programs take place on institutions as well. I'm sorry. I was just going off the example that she was providing, which seemed to be a residential example.

GARY: Well -- this is Gary. I think she's drawing on examples that she's been in order with. At least, in other states, and I found out last night, I'm not aware of all the residential setups in Delaware, nor presumably, all of the day-program settings. So it could be the case that some day-programs settings in Delaware is, in deed, on the grounds of a public institution or right next there. There are -- as I keep pointing out, I'm assuming there are way in excess of 500 day-program settings in the state that we're looking at. So given how small the state is, it's almost inevitable that there are going to be some interesting location issues.

DENISE: This is Denise. And it probably belongs more in residential. However, if the people that are living in the assisted-living part of the facility are receiving home and community-based services funded by medicaid and or might be even working in this have a job in the food part, or maybe you can get a part-time job cleaning the while ways or something, then it might come into this.

GARY: Yeah. This is Gary. I don't know how relevant it is, but settings include individual competitive-employment situations. And I'll bet you anything -- well, I know that there are some folks who are in supported employment who work in state offices, et cetera. Is that an institution? I used to work in state offices, and they're, certainly, pretty darn institutional.

FEMALE SPEAKER: They are.

GARY: I'm being a little bit factious. But I'll bet you --

FEMALE SPEAKER: Not really.

GARY: I'll bet you, there are people who have jobs in state facilities.

FEMALE SPEAKER: Don't you have to define the term institution then, so that people understand, in that particular scenario, someone may consider that an institution. Like I work in a state building. I don't consider it an institution

GARY: Got you. This is Gary. I would suggest that we not worry about so much detail.

FEMALE SPEAKER: Right.

GARY: The provider can say yah or nah. The verification teams go and look at the locations. So it doesn't really matter to get super explicit in the tool, because it's going to be vetted by the verification teams

BRIAN: This is Brian. I'd agree. I'd also worry if we only left a little bit of space within the assessment for explanation. I mean, this sort of verification will require probably a little -- a very lengthy look-behind. So I think sticking to yes and no, and then allowing the next steps to unfold, and however, it's going to be made.

DENISE: This is Denise. I also worked for the State of Delaware, and I worked in the Louis building, which is on the grounds of an institution. Because the psychiatric center is there. However, I was not receiving and do not receive any home and community-based services funded by Medicaid. So it may or may not be relevant --

FEMALE SPEAKER: This is --

DENISE: -- because there are people working that -- that live at the psychiatric center that work on the grounds in gardening and everything else that do. So that may come under -- not under question but it would be no.

GARY: Right. SUSANNA: Marissa.

MARISSA: This is Marissa. So, you know, in order to meet the service definition of individual supported employment, the person has to be employed in an integrated setting. If they're working in a nursing home, they're working in -- at Governor Bacon, they're working at Stokely, they're -- they're working with other individuals who do not have a disability. So it depends, really, on what the relationship is. I mean, if they're a resident of Stokely Center, and they're working in there, then perhaps you might want to look at that a little deeper, what exactly is it that we have there. But are they getting paid minimum wage or better, are they working in a setting that's integrated and that's their criteria. So if they meet the criteria, the individual supported employment, it doesn't matter whether they're employed at a Stokely Center or at some other facility. That's totally irrelevant.

FEMALE SPEAKER: Now, I did want to just point out that it was always my understanding, and -- and I certainly can get clarification. But this particular question was focused on state institutions, Stokely Center, Governor Bacon -- help me.

FEMALE SPEAKER: Emily Bakel (ph).

FEMALE SPEAKER: DHCI.

FEMALE SPEAKER: Mary Campbell?

FEMALE SPEAKER: No, Mary Campbell is not state.

FEMALE SPEAKER: Bissle (ph). Yeah, that's -- so I -- I just -- I took it upon myself, and you can -- you guys can certainly, you know, take this out, but separating if two between the state institution and then the private, and I kept hearing assisted-living facility. And perhaps, that's where your -- your request for higher scrutiny might come in, if you're talking about a privately-funded entity.

DENISE: This is Denise.

FEMALE SPEAKER: So just a thought.

DENISE: There are quite a few medicaid-funded placements and beds in almost all of the private institutions.

FEMALE SPEAKER: Right

DENISE: So -- so that part wouldn't be --

GARY: This is Gary. I'm -- I disagree with you. There's nothing in the language in the -- in the rule that specifies government and even more specifically, it doesn't say state. So I think it's an unnecessary distinction.

FEMALE SPEAKER: Okay. I mean, there can be a federal institution. You know, there are private prisons. You know, et cetera, et cetera. There are lots and lots of different types of institutions

SUSANNA: This is Susanna. I'm pretty sure, Denise doesn't need anyone to speak for her. But earlier she said her concern was there would only be about a 20 percent look behind, so she was looking for more detail in the questions. But I think -- I think you play have already addressed that, Gary. I don't know you addressed it to your satisfaction, Denise. But I know that we've spent 20 minutes on one question, and if we actually intend to have a recommendation, we better step up our pace a little bit.

FEMALE SPEAKER: Yeah.

KIMBERLY: This is Kimberly. I can't read what she added. It looks like there is something under no.

FEMALE SPEAKER: It says asking for higher scrutiny, justification -- (indiscernible).

KIMBERLY: Okay. Thank you. Sorry. I didn't bring my glasses.

BRIAN: This is Brian. I guess I thought we were saying we didn't need that third box. We were just going to go yes or no.

FEMALE SPEAKER: No, you said that.

SUSANNA: Do we have a consensus on whether we're going with yes or no? Or adding heightened scrutiny?

FEMALE SPEAKER: I think that's so hard to decide, if we don't know what the process is.

SUSANNA: I am going to make a recommendation. At this point, let's not put that in anywhere. When we go back to word smithing and formatting, maybe by then we'll have more information and we can decide at that time. Okay? So for all discussions going forward, we're not going to put that in. But when we review and look at formatting and word smithing, we may decide to, because we may have more information then.

FEMALE SPEAKER: Right. This --

JOHN: This is John. I'm sorry. That's fine. But if you go through there, they've already done it.

FEMALE SPEAKER: Yeah.

JOHN: It's already in there.

SUSANNA: Right. And we'll leave it in or take it out. We won't debate it. Okay?

SYBIL: This is Sybil. And I would just say, in the interest of time, that we just look at the questions. It's a good question, it's not a good question. It applies. It doesn't apply. And then when we go back -- it's a duplicate. It's not a duplicate. And then when we go back, as you said, to word smith, then you decide, do we need to add additional --

SUSANNA: Okay. I'm good -- this is Susanna. Is everyone okay with that? Nod your head or --

FEMALE SPEAKER: Yes.

FEMALE SPEAKER: Yes.

SUSANNA: Okay.

MALE SPEAKER: I.

MALE SPEAKER: Yes, teacher.

FEMALE SPEAKER: You're a good boy.

MALE SPEAKER: Okay. Moving along, is the setting located amongst private residences and/or retail businesses. Does the setting isolate individuals from the broader community.

MALE SPEAKER: Stop. I don't know what that means.

FEMALE SPEAKER: Right.

MALE SPEAKER: And therefore, I would have no idea how to answer it. It's such a broad -- it's sort of a summary question. And as such, I don't think it's functional as a question. Because that summary judgment is really after you look at all of the aspects of the setting. That's what it's all about. So I don't know how that can function as a freestanding question.

SUSANNA: I totally -- this is Susanna. I totally agree. I think we should put that in a "parking lot" as summary questions. And there might be others that will be summary questions, also. And we know that CMS has not defined what a community is, so to say, is it in the broader community sort of putting the cart before the horse, because we don't even have a definition on what a community is. So that will be in the "parking lot" as a summary question. Also, we're supposed to be checking the boxes as to which service these questions apply. So that we can determine, in the end, whether or not we want separate assessments or one assessment that covers most things. So I think the first --

FEMALE SPEAKER: Three.

SUSANNA: So I guess, the first question, is the setting on the grounds of or adjacent to an institution, could apply to all four. Is everyone in agreement on that?

MALE SPEAKER: Yes.

FEMALE SPEAKER: Yes.

SUSANNA: The second question could apply to all four also. Yes.

FEMALE SPEAKER: I have a question. What does amongst mean? I know it sounds -- like how do you define that it's amongst private residents and/or retail businesses? Is that a mile, two miles across the street?

SUSANNA: And I'm -- I'm listening -- those -- this is Susanna. When you ask a question like that, and maybe Marissa can put them in bold or in a particular color -- those are word smithing colors. As we -- when we get to the next stage, you know, is this -- is this word too vague, or does it not accurately express what we want. So it's -- it's a word smithing question.

FEMALE SPEAKER: Thank you.

GARY: This is Gary. I would say that that one supported employment and group supported employment should be excluded, because the employment is defined by where the business operates. I think the particular location is 4 irrelevant. What if the -- what if the employment's on a farm?

FEMALE SPEAKER: Oh, gosh.

GARY: So what's the relevance? I think the factual statement, the descriptive information, is fine. What is the location. And then the state can make any -- whatever judgments they want. It is what it is.



DENISE: This is Denise. That comes straight out of CMS as to whether the setting isolates individuals from the broader community. And I think that should be a yes or no answer.

SUSANNA: All right. And broader communities are words that we have to figure out later

MARISSA: This is Marissa. Going back again to the definition of individual-supported employment and group-supported employment, in order to qualify as a service provided under individual-supported employment or group-supported employment, the setting must be integrated. So I think, as Gary mentioned, it's -- it's a -- it's not -- this question is not relevant for individual supported employment by the nature of the service, it's considered to be in an integrated setting.

SUSANNA: So we'll take the checks out of those two boxes. This is Susanna. And we'll defer to Marissa on anything that seems to be about the actual definition of supported employment when she says it goes out of that box, we'll --

GARY: This is Gary

SUSANNA: -- we'll trust her as the authority.

GARY: I -- I don't hate to differ.

FEMALE SPEAKER: I agree with you, Gary.

GARY: Well --

FEMALE SPEAKER: This is about -- (indiscernible)

GARY: In part, you did. In part, you don't -- it's not based on the definition of the service, because by virtue of the fact that the definition says it's integrated employment doesn't make it integrated employment.

FEMALE SPEAKER: Or it wouldn't be included --

GARY: So you're making a circular argument that doesn't hold water. I'm saying, the location is irrelevant. The physical location. And that does not go to whether it's integrated or not. I'm not talking physical integration. I'm talking a social integration. You know, obviously, we're into subjective areas. But the -- whether it's isolated or not does not -- is not determined by the program definition.

FEMALE SPEAKER: Okay. Do you need two questions?

GARY: Because there are -- you know, I don't want to point any out. But there certainly are supported employment situations where it's not integrated. And that might be a point of argument. But as a result, it's not a simple black-and-white issue, and it's certainly not categorical.

FEMALE SPEAKER: How -- if the service is being provided in a setting that is not integrated, then there's question as to whether -- whether it is supported employment. Because by the definition, the service has to be provided in an integrated setting

GARY: Right. Okay. But again, you're using a circular argument. Just because we have situations that are currently funded as one type or the other as supported employment doesn't mean they're integrated.

FEMALE SPEAKER: They're segregated in the environment, even though it's an environment --

GARY: Sometimes

FEMALE SPEAKER: -- where --

GARY: And I think we're going to run into the same challenges when you think of shared living.

FEMALE SPEAKER: Are you talking about like Bank of America?

GARY: Well, unfortunately, that's the classic example that a lot of people are familiar with. And then you get into, do other aspects of the employment trump that. Nothing trumps what's in the CMS rule. So you know, I -- it's problematic. But unfortunately, the program definition does not establish all the characteristics of -- of the program in reality. But I -- I agree in terms of the location issue is irrelevant for supported employment, the physical location, because there is nothing wrong with somebody working on a farm.

FEMALE SPEAKER: Okay.

SUSANNA: Okay. We're moving along to question 3. Oh. We did question 3. We're on 4.

JOHN: I lost my place. Does the -- does the setting restrict visitors. I'm going to take a pause in-between these now. And I'm going to -- I'm going to take a pause and assume, if I don't hear anything, we can move on. Are there any physical gates or other barriers that individuals are not able to open, move around without staff assistance.

FEMALE SPEAKER: Did we speak about what -- did I miss that? Does the setting restrict us? Or are we going to -- did we speak about --

JOHN: The restricted --

FEMALE SPEAKER: -- like where they should be like --

FEMALE SPEAKER: Does that apply to all four classes -- (indiscernible). Is that what you're saying?

FEMALE SPEAKER: Yes.

JOHN: This one?

FEMALE SPEAKER: (Indiscernible).

JOHN: Oh. Sorry.

FEMALE SPEAKER: They didn't use your pause. JOHN: I took a pause.

FEMALE SPEAKER: I know.

SUSANNA: Well, that's just part of his reading. He's going to read it --

FEMALE SPEAKER: Okay.

SUSANNA: -- and then he's going to say which four things --

FEMALE SPEAKER: Right.

SUSANNA: Don't give me a hard time.

FEMALE SPEAKER: That's right. So this is CMA -- this is visitors -- (indiscernible). Should that just be supported employment and group-supported employment?

JOHN: This started out small.

FEMALE SPEAKER: I know.

JOHN: It just keeps growing.

FEMALE SPEAKER: You'll start -- (indiscernible)

FEMALE SPEAKER: I'm sorry. The opposite. I'm sorry. This is Brian. JOHN: Does the setting restrict visitors. Where would we like to put that?

MALE SPEAKER: Is that a leading question?

SUSANNA: I think, we've -- there is Susanna. I think Gary knocked Marissa down on the setting questions being circular or supported employment. So I'm going to say, it goes into all four.

MARISSA: I would disagree.

SUSANNA: And Marissa is disagreeing.

MARISSA: I don't have the visitors on my job.

FEMALE SPEAKER: I was just going to say, I don't think it would --

FEMALE SPEAKER: I disagree.

FEMALE SPEAKER: They have (indiscernible).

FEMALE SPEAKER: Yeah.

FEMALE SPEAKER: And people (indiscernible) pre-voc are earning money, why do they have visitors on their job?

FEMALE SPEAKER: Right.

GARY: This is Gary.

FEMALE SPEAKER: I earn money, and I have visitors

GARY: You said we're not supposed to discuss the response options --

FEMALE SPEAKER: That's right. You did

GARY: But it makes this question --

FEMALE SPEAKER: But that's based on your job

GARY: -- not work. I think we need additional response options in order for it to make sense. Because if we're -- given the employer, they may or may not allow 48 visitors.

FEMALE SPEAKER: That's right.

GARY: It is determined by the -- you know, the culture of the particular setting.

SUSANNA: And this is Susanna. I think that's why Marissa said it doesn't apply to supported employment or group employment, because --

FEMALE SPEAKER: That's up to the employer

SUSANNA: -- the employer would be the person who would control those settings.

FEMALE SPEAKER: And how about pre-voc?

SUSANNA: Then that's -- --

JOHN: Well, this is John. Taking off my reading hat, under prevocational services, many -- we, at times, mimic a work environment. So the policies that are applied to our -- our non-disabled employees apply, also, to those people that are prevocational. So there's a process for our non-disabled employees to have a visitor. They can't just slow up at the door. The same policy follows through for those people in the prevocational program. So I don't -- I don't know that that fits either for prevocational because you're mimicking -- your attempt at pre-vocation is to mimic a work environment.

EMANUEL: So if -- sorry. This is Emanuel. So if you meet somebody for lunch, where would that fall? So if they -- what I'm saying is if they have a lunch break, and say, well, I want to go and go to lunch with John, where would that fall within this particular question?

SUSANNA: This Susanna. That wouldn't be a visitor. You'd go meet him some place. You wouldn't --

FEMALE SPEAKER: Well, if they came to the workplace --

MALE SPEAKER: If they came to the workplace --

EMANUEL: Well -- right. They still --

GARY: Again --

EMANUEL: They would still have to come to your workplace to --

JOHN: This is John. Let me give you an example. One of our work employers is Dupont. You can't walk into Dupont

EMANUEL: Right.

JOHN: Okay? Whether you're going there for lunch or not. You can't walk in. There's just no way to do that without a security clearance to do that. One of our employers is City Bank over by the National Guard building. You can't walk in to City Bank and meet your friend for lunch. If you want to meet your friend, you need to go outside to do it. So what I'm saying to you is that, there are employer policies that are relevant to the employer which determines what the employee can or cannot do. So again, in mimicking that work environment, we have policies in 50 place that meet -- that fit under those employer responsibilities or employer requirements So to answer your question, in that environment, our folks can go out to lunch, but we don't allow folks, whether they're coming to see their best friend --

EMANUEL: Right.

JOHN: -- or whether -- we don't allow those folks to go in to the building. If I want to meet somebody for lunch, I go out. Or if I'm bringing them in for something, I'm generally setting that up so that it can occur.

EMANUEL: So -- so --

JOHN: It's about -- I guess. I'm sorry. I didn't mean to cut you short.

FEMALE SPEAKER: Yeah.

JOHN: But I want to go back to Denise's thing. Because this -- this, I think, fits into a category. It's about access, too.

EMANUEL: Right. That was my -- that was my next point.

JOHN: So -- I'm sorry. Go ahead. I'm done.

FEMALE SPEAKER: Well, this is -- isn't it about access, too, that's not different than anyone who is --

FEMALE SPEAKER: It counts. Exactly.

FEMALE SPEAKER: -- not waiver -- so couldn't you just -- isn't this just a wording thing, does the setting restrict visitors --

SUSANNA: Inconsistent with those who are not receiving --

FEMALE SPEAKER: Exactly.

SUSANNA: -- waiver services.

FEMALE SPEAKER: Exactly.

BARBARA: This is Barbie. I used to work at Dupont. And you can go in and ask the security guard, you know, if you want to have lunch with a friend, and the security guard will give you clearance, whether you can have lunch or not.

JOHN: Okay. I might -- Barb -- this is John. I might only be familiar with one group. And that's the Stein Haskel Center.

BARBARA: Oh. I never worked there.

JOHN: The Stein Haskel Center will not -- when I went to go visit somebody there --

BARBARA: Yeah

JOHN: -- or a job -- I'm sorry -- not job -- a case manager, or even the state, we get -- we have -  
- I have a clearance pass, so that I can get in.

BARBARA: Oh. Okay. I never worked at Stein Haskel. I always worked downtown.

GAYLE: This is Gayle. But didn't Susanna handle it with -- inconsistent with those not in a waived situation? Because you have the State of Delaware --

FEMALE SPEAKER: I agree.

GAYLE: -- where someone can come and visit. You've got banks and Dupont, and they might be more restrictive.

JOHN: Right.

GAYLE: So there's all kinds of employers. And is it consistent with those in a non-waived situation.

FEMALE SPEAKER: Right.

EMANUEL: To go back to the work (indiscernible) --

FEMALE SPEAKER: Right. And that -- and that's --

SUSANNA: Right. And this is Susanna. I think we'll add that in any case where -- because that is really directly out of the CMS ruling and --

TERRY: But -- this is Terry. So the -- but for day programs, does the setting restrict visitors would apply?

SUSANNA: Right.

JOHN: Right. That's true.

SUSANNA: And this is Susanna. And I'm thinking that another --

TERRY: So two questions.

FEMALE SPEAKER: Right.

SUSANNA: I think we need to decide now, so we don't debate this every single question --

FEMALE SPEAKER: Right.

SUSANNA: -- are we going to consider pre-vocational a 53 work environment, because now, we've established that inconsistent with other people who are not receiving the waiver and employer policies. So are we going to consider pre-voc as a work environment, so that we don't have to ask this question every time we go down?

FEMALE SPEAKER: But are all pre-vocational opportunities set up that way? I mean –

JOHN: You can't speak for every provider.

FEMALE SPEAKER: See, that's the thing.

JOHN: You can only speak for one. So –

GARY: This is Gary. Although we agreed not to do it, but I think there is the clause that we need to allow. If the response included if yes, under what circumstances, then we're fine. Because many programs do have guidelines, such that they maintain some structure, because you know, are you going to have a visitor that's going to come and stay for six hours? That can get very disruptive. So there often are some sidelines that people are expected to follow. So I would -- as long as we can allow, if -- if yes, under what circumstances, then we're fine. If we try to make everything yes and no, we're not going to be able to agree on anything.

SUSANNA: And -- this is Susanna. Remember, we are going 54 to be pulling these out into categories around one of the categories is independence and autonomy. And that's where this question will fall. So think about it falling in there, and whether or not those –

FEMALE SPEAKER: Right.

SUSANNA: -- questions, here's my comment, provide independence for that person in the day program. So that -- that's really where -- where that's going to become a -- you know, a debate in a question. And I don't know where it's going to go but -- Gary -- I mean, John. I'm sorry.

JOHN: That's all right.

SUSANNA: I keep calling you Gary.

JOHN: No, we look a lot alike you can see us.

FEMALE SPEAKER: I'm sorry.

GARY: That makes me feel good.

JOHN: No, I was thinking -- no, for you, I feel bad if I were you. I'm sorry. Are there any physical gates or barriers that individuals are not able to open, move around without staff assistance. What -- does that match all the programs? Where does that go?

GARY: This is Gary. I would suggest that it be -- it's an NA for both types of supported employment but for pre-vocational employment. Pre-vocational might be a problem, because some pre-vocational programs operate within an employer's setting. Some pre-vocational programs are entirely provider operated and owned or leased. So I think it's pertinent -- it's not pertinent to an employer owned location, although, you know, access and mobility needs to be sufficient to be safe. That's a different question. Either that's –

DENISE: This is Denise. I don't -- I don't think we need to structure that question so that everybody can always answer yes. I think the question need to be there and we've already answered up above whether the day have pre-vocational, group supported or individual supported employment. So people may want to go back and look at that when they see the answer down here for an answer. But are there any physical gates or barriers that individuals are not able to open, move around without staff assistance, I think, is a valid question. It needs to be answered, and then it can be looked at later on the whole for that particular facility.

SUSANNA: This is Susanna. I'm sorry. Are you saying it should be a yes-or-no question for all four categories?

DENISE: Yes. It's a valid question. The category it ends in, when you look at the top of paper, and you know where that's occurring.

GARY: I agree.

DENISE: In other words, it shouldn't be that all the 5 questions are okay, here is your questions that you can answer yes to, so that's all you're going to have to answer.

JOHN: Right.

DENISE: I don't know if I'm making it clear.

JOHN: No actually -- there is John, and I agree. And also, in this -- this particular question, again, there is the room in there one to explain what the circumstances might be, should they exist, it doesn't visually, on the surface meet -- I really think the explanation piece is to address that issue. Sometimes, when you look at something, it looks not to be. With an explanation, it suddenly becomes and I think that's why you have there explanation. I -- I guess, we play be making this more cumbersome than it needs to be. So I'm going to move on to the next one. Are there any obstructions -- because we've only gotten through the first page.

FEMALE SPEAKER: Right.

JOHN: Are there any obstructions that limit the individual's mobility, such as uneven floors, narrow hallways, furniture placements. Where does that fit? Does that fit in all four?

FEMALE SPEAKER: I think so.

FEMALE SPEAKER: Yup.

JOHN: Okay. As the program or service setting been modified to meet the needs of all individuals. And again, does that fit into all settings?

FEMALE SPEAKER: Yes.

FEMALE SPEAKER: Yes.

GARY: I'm not --

FEMALE SPEAKER: Yeah.

GARY: This is Gary. I'm not sure what the relevance is. The answer could be yes. The answer could be no. The aspects of the environment could be identical. Two different locations. And it could be either that there are impediments built into the environment, or that it is absolutely accessible. No impediments. But you may or may not have made modifications. What's the relevance?

JOHN: This is John. When I read this, I read this as an ADA standard.

FEMALE SPEAKER: Uh-huh.

FEMALE SPEAKER: Right.

JOHN: Have reasonable accommodations been made to allow people to function within that environment.

GARY: But a yes or no doesn't mean anything differentially from one place to another.

JOHN: Well, if it hasn't been done, you are probably out of compliance with ADA requirements, and it probably should be done.

GARY: Not if everything is under compliance already.

JOHN: The ADA requirements. Well, then it would be AS -- if you are meeting -- again, this is John. I might be --

GARY: It says -- it says --

JOHN: (Indiscernible).

GARY: -- have they become modified.

BRIAN: This is Brian. So then the modifications wouldn't have been made when the facility was originally created.

MALE SPEAKER: Right. Or renovated.

MALE SPEAKER: Systematically, that's inaccurate (indiscernible) modified.

BRIAN: So we're suggesting a change to the word --

SUSANNA: Word changing, right.

FEMALE SPEAKER: I was just going to say yes.

GARY: Right. If the question -- if the question is, does it meet ADA standards, then that's what the question should be.

FEMALE SPEAKER: And that's -- (indiscernible).

SUSAN: And we'll put in there, it has to be considered or instead of. Does it meet ADA standards. Although that's part of the CMS requirements, isn't it, anyway, on there?

EMANUEL: It doesn't always cover --

FEMALE SPEAKER: Right.

EMANUEL: -- the accommodation component. So like for -- and I can't speak for everybody. But my job, they added an automatic switch, put the key pad in and hit the switch. Now, before I got there, they didn't need that. So part of me getting hired, my accommodation was to have an automatic switch behind my desk, raised computer, software, et cetera. So if you word it that way, they end up covering the -- the accommodation component. Because ADA regulations are different from my personal accommodation I need DENISE: This is Denise. I agree with Emanuel. Because this would be under the ADA Title 1, employment. When I went to work over at the Louis building, they put blocks under the desk to raise it four inches, so that my chair arms could fit under where I could get close enough. So I'm sure that's what they mean, because they talk about meet the needs of all individuals so any modifications that would be needed may not be the Title 3, which is public accommodations, but Title 1, in the workplace for you. That's a -- an accommodation that you need. So I would think the question looks easily answerable.

FEMALE SPEAKER: Me, too.

DENISE: As to maybe -- maybe it could be word smithed to say do you need modifications to meet the needs of all individuals.

SUSANNA: All right.

JOHN: Okay. Does the settings have stairs or steps. And if yes, are all individuals able to use the stairs without assistance. Does that belong in all the categories?

FEMALE SPEAKER: It does.

FEMALE SPEAKER: Yes.

FEMALE SPEAKER: Where do you see that?

FEMALE SPEAKER: Second page.



FEMALE SPEAKER: How is it any different than other sections to limit individual mobility or has the program serviced or modified to meet the needs of the individual?

FEMALE SPEAKER: Right. I agree

FEMALE SPEAKER: I was just asking the same question.

JOHN: Right. It's kind of repetitive.

SUSANNA: Take it out.

FEMALE SPEAKER: I agree.

FEMALE SPEAKER: There you go.

JOHN: Okay. The next question, is there a wheelchair lift, elevator or ramp for individuals in wheelchairs. Are there railings on all stairways, steps and ramps.

FEMALE SPEAKER: To me, this is another one that goes to what you talked about, accessibility. We've already talked about -- so it's sort of been answered.

SUSANNA: So it's been asked and answered.

JOHN: So this is redundant, also.

FEMALE SPEAKER: Yeah.

SUSANNA: Take it out.

FEMALE SPEAKER: Yup.

JOHN: Are requests for services and supports accommodated? Does that fit under all four categories?

FEMALE SPEAKER: Yes.

FEMALE SPEAKER: Right.

JOHN: Is information about how to file a compliant, grievance posted in obvious locations and in understandable formats?

FEMALE SPEAKER: Yup.

JOHN: Okay. Can individuals make an anonymous complaint. All four. Do individuals have privacy to perform personal hygiene? All four. Are there cameras present in the facility? All for. Is information about PT, OT, medication administration diet, et cetera, posted where non-staff can see it. Is that an all for.

FEMALE SPEAKER: That's not -- that would not apply to support employment --

FEMALE SPEAKER: I was just going to say no

FEMALE SPEAKER: -- or group employment.

JOHN: So it's not applicable for those two.

FEMALE SPEAKER: Right.

JOHN: We're just talking facility based.

FEMALE SPEAKER: Is it required to do that?

FEMALE SPEAKER: You don't want that?

FEMALE SPEAKER: You don't want that out.

JOHN: Actually, it's not. It's required to do the opposite.

GARY: It's a trick question.

JOHN: Yeah, it is. If -- if your facility distributes meds or for -- if there's any medical issues, that's not for public consumption. It is a trick question. Are restraints utilized in your setting. Is that all for? Three, two, one?

FEMALE SPEAKER: People are saying all three?

JOHN: All four?

FEMALE SPEAKER: All four.

FEMALE SPEAKER: (Indiscernible).

JOHN: Are individuals in the setting aware of how to make a service request? All for.

MALE SPEAKER: Excuse me. Let me back up for a second. The restraints. Restraints in the DDS system include -- I can't remember what the terminology is. They're, basically, medically or safety indicated, such as wheelchair or harnesses, et cetera.

FEMALE SPEAKER: Health related.

MALE SPEAKER: And people need to understand, maybe this needs to be word smithed to match the DDS policy. This is talking about behavior management restraints

JOHN: Right.

FEMALE SPEAKER: Yeah, is it -- is --

JOHN: So we're going to mark that off to come back and visit when we -- okay. Do individuals know how to make a request for a new provider? Is that all for? If the individuals desire working in an integrated community setting, are the processes to ensure there are opportunities pursued? All for.

FEMALE SPEAKER: Well, they're already in an integrated --

FEMALE SPEAKER: Right.

FEMALE SPEAKER: -- I mean, they're already in a supported employment and so -- they've already accomplished that

JOHN: Okay.

FEMALE SPEAKER: So it really is an N A there

DENISE: There is Denise. It's if the individual is working in such a situation and they want to work in an integrated community setting, is there a process to move on.

FEMALE SPEAKER: Say that again.

DENISE: In other words -- this is Denise again. If someone was working in a sheltered workshop --

FEMALE SPEAKER: Pre-voc.

DENISE: -- and they express a desire to -- they want to move further into the community and would like to go into supported employment, is there a process there where they can take a look at the situation and see if the person --

FEMALE SPEAKER: See, that's where it says -- (indiscernible).

JOHN: Yeah.

SUSANNA: There is Susanna. I totally agree but I am saying, if they're already in an integrated setting, in supported employment, they require already accomplished this. They don't need a process to get into it. They're already in it.

DENISE: There is Denise –

BRIAN: So there is Brian. There is one of times though where we wouldn't lump pre-voc and employment -- supported employment together.

SUSANNA: Correct.

BRIAN: And that's –

SUSANNA: Right.

BRIAN: Part of the point -- (indiscernible).

FEMALE SPEAKER: What about day-hab?

SUSANNA: Day-hab would definitely go –

JOHN: Day-hab would definitely –

FEMALE SPEAKER: No question.

GARY: This is group supported employment, and then -- and I don't know if this is supposed to be captured. If someone is in an individual supported employment and they're unhappy with the situation, is this supposed to capture that? I think it is.

FEMALE SPEAKER: Yeah.

GARY: It is basically people's vocational aspirations are facilitated.

SUSANNA: There is Susanna. It doesn't say that. It says –

GARY: I know it doesn't

SUSANNA: -- desire to work in an integrated community

GARY: Then I would suggest it be –

SUSANNA: Word smithed

GARY: -- word smithed to be broader, so that people can have the option of -- pursuing –

SUSANNA: All options

GARY: -- better vocational options

JOHN: Yeah. The -- the -- this is John. No job should be a life sentence except mine. So people should have a mechanism that allows them to move from their job –

FEMALE SPEAKER: (Indiscernible).

JOHN: What's that? (Laughing)

FEMALE SPEAKER: (Indiscernible).

JOHN: So people should have a mechanism that allows them to move.

FEMALE SPEAKER: I feel bad.

FEMALE SPEAKER: So you're the exception? On

JOHN: Except I am the exception. Do you ensure that staff are interacting with participants in a manner in which the person would like to be addressed. I believe that's all for. And that's the end of South Dakota. I'm done.

FEMALE SPEAKER: Yeah. On

JOHN: Thanks for asking.

SUSANNA: It is -- I can't see that clock anymore. It is five of 11. We've done one state. We have numerous ones to go. We're on PA next. Do we want to take a two minute break --

FEMALE SPEAKER: Yeah.

SUSANNA: -- if anyone wants to break? Or do we just want to move on? Maybe we'll take a break after we finish the next state?

FEMALE SPEAKER: Yeah.

SUSANNA: How's that?

FEMALE SPEAKER: Okay.

SUSANNA: I am numbering PA. Who would like to volunteer to do PA?

FEMALE SPEAKER: Kimberly?

KIMBERLY: Not after the meeting John did.

SUSANNA: Come on, Gayle JOHN: I'm voting Gary.

FEMALE SPEAKER: (Indiscernible).

GARY: Does your setting optimize the participant's independence in making choices? Does that fit into all for?

FEMALE SPEAKER: Right.

GARY: All right. Do you have a policy that ensures this location takes into account the participant's preference when delivering service?

FEMALE SPEAKER: Well, delivering services.

JOHN: This is John. I'm going to beat this dead horse, because I do at least once every meeting. I think, in conjunction with policy though, the term policy might be also substituted for the individual plan, which would also indicate how a person is able to move through and have --

TERRY: So this is Terry. Would it say, so does the person have a person-centered plan that ensures --

JOHN: Well, I know -- I said I'm going to beat a dead horse, because I realize that not everybody unfortunately in the system has a person-centered plan.

FEMALE SPEAKER: Right.

FEMALE SPEAKER: Right. But with this, could we push that --

JOHN: No.

FEMALE SPEAKER. -- everyone has a person-centered plan?

JOHN: No. I think we shouldn't push into that.

FEMALE SPEAKER: So maybe if we left this and changed it to person centered plan, we could kind of push other places to put that in the --

FEMALE SPEAKER: Where is PA -- (indiscernible)

GARY: This -- this is Gary. I understand what you're saying but I -- I think, when possible, we need to rely on the policies that govern the operation of setting rather than individual (indiscernible). The person centered plan is a central element to the whole thing. But policies are really important, too, because it's really supposed to establish the culture of the setting and - and it will be much more manageable to get through the system if some of documentation can be policy based rather than individual plans.

JOHN: So -- this is John. So what you're saying is, just -- just so I kind of understand -- the policy would indicate refer to the person centered plan?

GARY: No. What I would say would be, the preference would be that the program descriptions within an agency say that by policy, this is a feature of their program.

JOHN: Utilizing a person-centered plan?

GARY: Whether it does or not

JOHN: Okay. But I think -- I think --

GARY: If we tie it together --

JOHN: I think, if your policy just says people have the opportunity, I don't know where that shows up is the point.

GARY: In policy. In policy.

JOHN: No, it's in the policy, but I don't know where it shows up in reality. If you're not utilizing the person-centered plan for folks, where are you -- I mean, there's -- there's not -- there's not a personnel policy. The reason -- the reason I try to link this is because what we've attempted to do in the pre-voc program in mimicking work is to attach all of the rights and responsibilities of people in the pre-voc program to match the rights and responsibilities of any employee within the organization. I don't have a personal plan that tells me what I have to do. I have a job description. Okay?

SUSANNA: John? Sorry.

GARY: We --

SUSANNA: And Gary, Marissa has marked this for further discussion --

GARY: Okay.

SUSANNA: So we can move on.

GARY: Okay.

SUSANNA: So we know that this is an issue that has to be discussed, not trying to --

GARY: All right.

SUSANNA: Just trying to table that discussion right now, so we can move on

GARY: Okay. Do you have a policy that ensures this location takes -- I already asked that one. Do you educate your staff on the participant's needs, abilities and interests? Does that fit all four categories?

FEMALE SPEAKER: Yes.

FEMALE SPEAKER: Yes.

GARY: Do you have access to public transportation at this location? All for? What systematic barriers exist to provide services and integrated settings?

FEMALE SPEAKER: Systematic

JOHN: This is John. I don't understand that question.

SUSANNA: That's not an appropriate question I don't think.

FEMALE SPEAKER: Yeah.

GARY: So we're taking that question out?

FEMALE SPEAKER: Absolutely

SUSANNA: Okay.

GARY: Now -- now we can get somebody besides me.

SUSANNA: Who wants to do it? Someone volunteer. No one is volunteering. Denise, would you do it?

DENISE: I will. I'll try to be loud enough. It's Denise

SUSANNA: Okay

DENISE: This setting ensures individual's rights of privacy, dignity respect and freedom from coercion and restraint.

SUSAN: Well, that's a given.

DENISE: Does everybody want to keep that?

JOHN: Yes.

DENISE: The setting optimizes individual's initiatives, autonomy and independency making life choices. We have yes, partially, not applicable --

SUSANNA: This is Susanna. I have a concern about all of these where they're asking five things. What if one thing doesn't exist, but the other three or four do? So I would say, any of these where there are multiples need to be word smithed. And you know, we can decide, when we're word smithing, that we want five questions there, but I think -- that was my objection to these in the beginning, although, I was assured that these came directly from the CMS rules. Or

—

MALE SPEAKER: Well, that's why they're so broad. And -- and different states' tools have broken them down into digestible bites, so they might not be workable, because they're so broad.

SUSANNA: Right.

DENISE: And this is Denise. We ought to be careful, too, because none of this has been okayed by CMS. This is just what other states have.

MALE SPEAKER: True.

FEMALE SPEAKER: No, this is -- this is -- I believe, these were taken from the actual -- actual guidance from CMS.

FEMALE SPEAKER: HCBS.

SUSANNA: I don't think these are other states. I think these are the actual CMS guidelines.

FEMALE SPEAKER: What happened to Hawaii?

SUSANNA: It's not on here.

FEMALE SPEAKER: Why is that?

SUSANNA: I don't know.

FEMALE SPEAKER: It says HBCS, which is kind of –

SUSANNA: She probably didn't finish that spot in the last one.

KIMBERLY: I believe the HCBS stands for the document that AJ put together, the CMS --

SUSANNA: And I think -- this is Susanna. I think it does, Kimberly, but I think Marissa said that came directly from the CMS ruling.

FEMALE SPEAKER: That they did it -- they just turned the CMS rules into (indiscernible) –

MALE SPEAKER: Right.

MARISSA: This is Marissa. Just to clarify, they took the questions –

FEMALE SPEAKER: Questions. Sorry.

MARISSA: -- right -- that CMS prepared. They issued the rule. Then they issued -- subsequently, they issued questions for residential, and then many months later, they issued questions non-residential. And these were based on those published non-residential questions.

SUSANNA: So do we want to -- there are -- there are 12 questions. Let's just try to go through them quickly and let's -- let's just put word smith by anything that has multiple questions by it. Is everyone comfortable with that? Gary, I saw you raise your head. Is that -- you might want to –

GARY: Well, I'll a little confused. Torn. I think, Denise is indicating that these are the basic principles, and that is a rule. So we need to be cautious to only take the bites that are related. But these are also so broad that they're unmanageable as they stand, because again, they're sort of summary-judgment statements.

SYBIL: This is Sybil. I was just going to say, to me, looking at these questions, I feel like, in many of these other questions, you've already answered this individually maybe. And so you know, understandably, if there is -- they've taken this from, you know, the ruling -- and these are very broad -- I think that many of them have been addressed in other areas.

SUSANNA: Do we want to look and see if we think they've already been addressed and cross them off?

FEMALE SPEAKER: Yeah.

MALE SPEAKER: That's a good idea.

SUSANNA: Okay. Denise. Back to one.

DENISE: This setting ensures an individual's rights of privacy, dignity and respect and freedom from coercion and restraint.

MARISSA: I'm sorry. This is Marissa. Maybe this doesn't work. But since these were specifically published by CMS, perhaps it might be something to consider using these kind of as a heading, and then 75 listing the other questions that relate below, so that you can clearly identify that you have considered what they –

MALE SPEAKER: Want you to do

MARISSA: Share it with every state –

FEMALE SPEAKER: Okay.

MARISSA: -- real concerns for them, and then I can --

FEMALE SPEAKER: So not make them questions but have them be headings. I think that's a good idea.

SUSANNA: Category headings

KIMBERLY: This is Kimberly. I believe that's how there are -- the residential group has it broken down.

GARY: This is Gary. So for clarification, those would be headings, but not questions that would get a specific answer?

FEMALE SPEAKER: Right.

GARY: Then there would be probes for --

FEMALE SPEAKER: Right.

GARY: -- beneath it, essentially?

FEMALE SPEAKER: Right.

GARY: That makes sense.

SUSANNA: So there are 12 of those. And we might narrow them down to five or --

DENISE: This is Denise. But -- that sounds like a good thing to do. If these are used as headings, then the other ones that we have gone over previously --

MALE SPEAKER: Right

DENISE: -- could -- (indiscernible) -- for each one of these as sort of a -- I keep using this word - - a probing question.

FEMALE SPEAKER: Right.

DENISE: Is this true, is that true. Then that might indicate that you are or are not in compliance.

FEMALE SPEAKER: I agree.

KIMBERLY: This is Kimberly. So you can potentially get this section and go through all the questions, and then have someone create the headings for the next meeting and put -- all the questions you liked are in each category, and if there's one we don't have any questions to, then we can -- we would have to go and find some.

SUSANNA: Right. That was --

FEMALE SPEAKER: Yeah.

SUSANNA: Absolutely. I was saying let's put this in the "parking lot". And go on to Minnesota. Minnesota has -- there are only five in here from Minnesota. And I think we did discuss, at the last meeting, that we thought these were excellent for the look behind. But -- do you want to start with those, Denise, Minnesota?

DENISE: Minnesota. Is this day-service program in a building that also provides licensed services as a hospital, nursing facility, intermediate-care facility for individuals with intellectual disabilities and ICF ID or institutional for mental disease, IMD.

SYBIL: And this is Sybil. I think this goes back to the first question that we had so much discussion on, that sort of clears that up. So you know, I think that would be important to include to clarify maybe a response.



DENISE: Does it belong in -- in all four? It says, is this day service. But I -- just my opinion, is this service?

SYBIL: I mean, I think, if you go back to supported employment and -- and group-supported employment, again, you're looking at the employer. Maybe you work, you know, in supported employment in an intermediate-care facility for individuals with intellectual disabilities. It could happen. So I don't know that it would apply to those two. That's my opinion.

SUSANNA: I'm sorry. I was pulling out the other ones that aren't on here.

DENISE: So yes or no?

SYBIL: I think it would apply to pre-vocational and day-habilitation.

MALE SPEAKER: I think it applies across the board. It 78 is what it is. It's combined with the other information, and then a judgment is made as to how to judge that side.

FEMALE SPEAKER: Okay.

MALE SPEAKER: It is factual information. It is descriptive. It is nothing more.

FEMALE SPEAKER: Right.

SUSANNA: Is everyone good with that?

FEMALE SPEAKER: Yes.

SUSANNA: So we're doing all four?

FEMALE SPEAKER: Yup.

SUSANNA: Okay.

DENISE: Please indicate the proximity of the day service's site to any of the following, bank, doctor's office, clinic, house of worship, grocery store, public transportation, restaurants, other retail businesses within five blocks, within ten blocks, within two miles.

JOHN: This is John. I may be missing something, but I don't know how that applies to any day program. I'm not -- I guess I just -- I'm not really seeing how that applies. That seems to be a residential need in order to have access to those.

TERRY: This is Terry. I think, as far as the day-habilitation program, I think it is important that they're within distance of somewhere other than the one place that they're in, in the one room that they're in or the one building they're in. I think it should apply to day-habilitation services.

KIMBERLY: This is Kimberly. It kind of applies to the question that we decided we wanted, which is there setting located amongst private residents and/or retail businesses.

MALE SPEAKER: Right.

GARY: This is Gary. And I think given it has a response set at the bottom that we saw when we looked at the tool, and again, it is mirrorly descriptive, and if you think of the worse-case scenario, if you had a facility-based program that's 20 miles from anything, it certainly gives you some perceptive on the extremes that this rule is aging at.

FEMALE SPEAKER: Exactly.

GARY: And it is not aging to -- as Steve Groff (ph) says, the intent from CMS isn't to close anything. It is to improve practices, et cetera. And clearly, whether it is in North Dakota or not, you don't want a program facility that's 20 miles from any sign of life. So again, these are mirrorly descriptive. And I think they are pertinent to the day-habilitation and pre-vocational, because it basically describes how accessible the community is from that location.

FEMALE SPEAKER: Yup.

DENISE: This is Denise. I agree. And it does say day-services site on here. But I think it may be redundant, because it was in one of the other questions.

MALE SPEAKER: I thought, in the rubric of the whole thing, day services is capturing supported-employment and –

FEMALE SPEAKER: It does.

MALE SPEAKER: -- all four.

FEMALE SPEAKER: Yeah

MALE SPEAKER: So even though we typically talk about day services, sometimes, there's only being day-hab and rehabilitation, but it's supported in here, also.

SUSANNA: This is Susanna. Do you understand that, Denise? That that is actually what our contracts say, if we do supported employment, it's called day services?

MALE SPEAKER: Yes

SUSANNA: So -- so that's why –

DENISE: This Denise. I was just inquiring to John, when he said it belongs in residential.

SUSANNA: Oh. Got you. Got you. Okay. So what -- some people think this should be taken out, because we've already answered it elsewhere. Some people think it's really a nice descriptive bit of information. Let's just -- we can just -- we'll put it in for further 81 discussion, is that the category that we've got that?

DENISE: All right. Please check if each facility feature is physically accessible, and if the policy supports unrestricted use. Please check not applicable if the feature does not exist. Common areas inside the the day-service site, physically accessible, common outdoor areas, cooking appliances, i.e., microwave oven, dining, break, lounge area, refrigerator/freezer for private-food storage. And it has physically accessible, yes or no. Policy supports unrestricted use, yes or no. Feature does not exist.

SUSANNA: This is Susanna. Gary, this probably -- you'll probably feel the same way about this one that you felt about number two, because it is pretty descriptive and –

GARY: Yeah. Because I think we're getting into territory where, you know, as we established earlier, and DDDS ended up concurring, it's the -- you don't end up having to have 100 percent yes on everything. Settings may have redeeming features that overcome their shortcomings in another area. You know, it is not a scorecard. It is an overall subjective judgment about the quality of if setting. So yes, I -- I think it's descriptive information, but it's important in the overall picture.

FEMALE SPEAKER: Okay. So we're going to –

BRIAN: This is Brian. I think -- I agree with everything Gary was saying. And I think, this is an earlier question -- this is a much more specific question than a -- a more general one earlier. So it is a duplicate in the sense that it's getting at the same thing, but I would prefer to see a question like this instead, because it is more concerning. But we did have questions earlier that were similar.

DENISE: Move on to the next one?

SYBIL: Yes.

DENISE: This is Denise. Please indicate if written policies documented staff training and performance-evaluation systems are or will be in place and cover the following, unless specified in a person's plan. Policy should explicitly address each area to ensure a person's choice. Each person is free to come and go from the day-service program, move in and around the community, move in and around the day-service facility, people are not restricted to one room or designated area, all currently implemented, all will be implemented by 1/1/17 or don't know.

FEMALE SPEAKER: Okay.

DENISE: Any comment or –

TERRY: This is Terry. I think this is day-habilitation. We don't want people coming and going from work when they want to or –

FEMALE SPEAKER: Yeah.

DENISE: This is Denise. Sorry. I like the part where it says unless specified in a person's plan. I think that qualifies most everything that's in it, in my opinion.

SUSANNA: This is Susanna. We're in agreement that this only applies to day-habilitation.

GARY: This is Gary. I think, many times, it would apply to pre-vocational, also. Keep in mind, there are lot of different situations in which pre-vocational services are delivered.

FEMALE SPEAKER: Well, then would it apply to employment and supportive employment?

SUSANNA: Absolutely not.

GARY: No.

FEMALE SPEAKER: I mean, why does it apply to pre-vocational and -- since that is an employment setting?

GARY: Well, pre-vocational is -- does not necessarily include paid work.

FEMALE SPEAKER: All right. Then some qualifiers in that can be word smithed later. Because where it is paid work, people are at work. And you don't get up and go wandering around the community to go to the park –

GARY: Well, I agree –

FEMALE SPEAKER: -- except at lunch, like everybody else might do.

GARY: Right. I agree. And like John said, most pre-vocational programs are set up to deliberately imitate work environments. So there are a bunch of rules. And basically, if you're in that program type, you're expected to adhere to those rules, and it's part of your plan. So it says the same thing, that if that's the case, it's -- it's really an N/A.

SUSANNA: So do we -- have you all decided whether pre-voc's included or not, or should we –

FEMALE SPEAKER: I think it should be.

SYBIL: I think it should be.

FEMALE SPEAKER: Then you need to have some word smithing about explanation. It's going to be –

FEMALE SPEAKER: Well, it is in the person's plan that -- (indiscernible). JOHN: It also -- this is John. It also indicates, I mean, the first sentence, are there other written policies documenting that these rules apply. So you know , again, if you're pre-voc setting mimics an 85 employer,

you're going to have rules that apply the same as any employer does, and you're expected to follow those rules.

DENISE: This is Denise. On the next page, there is a separate one. Each person has a choice of how often they participate in social-community activities, types of community activities, types of social activities within the facility, location where they eat, outdoor picnic area, common dining room, with whom they eat or eat alone.

FEMALE SPEAKER: That's good.

SUSANNA: So these are day-habilitation and some pre-voc may apply, based on what you decided on the last one. But not applicable for employment supported or group, correct?

GAYLE: Probably.

FEMALE SPEAKER: Correct.

GAYLE: I just need to understand. I really do. In a state office I worked in, there was an individual employed at the reception desk or something who had ID disability. And that person was isolated her entire day. And I'm just -- and when she was working, her supervisor helped her some and -- and then when she went to the lunchroom, she was alone until one day, her supervisor noticed that she was alone, and started taking her lunch with her every single day. And I'm just wondering, if we're saying, well, it doesn't apply to that, are we making a mistake?

SUSANNA: This is Susanna. And I would say, supporting people who work, no one didn't give her a choice, so the question is, does she have the choice. Her specific job responsibilities isolated her to the reception area, not her disability. That's the first piece of it that I would look at. The second piece I would look at was, does she have the choice to eat with anyone she wants. And yes, she did. The fact that people didn't choose to eat with her, we may hate. But that's not part of the -- the waiver. Do you agree?

FEMALE SPEAKER: No, I don't believe I do. I don't know that I disagree either. Choice -- define it. Because if she chooses that I would like to be with some people, and they all chose, we don't want to be with you, they could have been some kind of training or some kind of intervention with people who would have helped her out. Now, I'm sorry to bring this up now, but this has troubled me for many years about this person who many people would say is out in the community and working, and yet, there she was. She did do her work, but she was alone the whole day until someone decided to sit with her who was her supervisor every single lunchtime she was able

GARY: This is Gary. I very much agree. And that's why, when we talk about the notion of individual and group supported employment, categorically, being excluded from all these qualitative probes, I think it is really inappropriate. Because I think we're probably all aware of some employment situations where we have not achieved what we should be striving for. And if you never asked the question, that needle is never going to move. You know, some of those folks are going to remain -- it is part of our role to facilitate a better outcome, including in those private-employment situations. And we -- we usually are in a situation to influence those things.

FEMALE SPEAKER: Now, I have one more example. My daughter worked at NB&A when she was out of college, and she went out in the lunchroom, and there was the gang that usually sat together. And I think this was not in the unclave (ph) days. But they sat together for lunch. Anyway. She sat down with all the people from the various -- from better (indiscernible) -- and the various -- and her co-workers after said, you ate lunch with them. Now, to me, there's an employer responsibility for some training there. If you're going to take somebody and accept them and employ them, then those people who are not disabled have a responsibility to have some cognizance about what is going on and common human decency and politeness on

JOHN: This is John. Marlene, ethically, I agree with you. However, in the workplace, forever and ever and ever, there have been cultural biases that exist. There have been racial biases that exist, when people have left the room when somebody's walked in. I don't -- I think, the best we can hope for is that we work with an employer and educate them that that -- about this. But cultural training in large corporations have been there for a long period of time to deal with these cultural biases but not always successful.

FEMALE SPEAKER: That's right.

JOHN: If we're looking -- and I think we do have a responsibility to address this issue. But if we're looking for the folks that we work with to function in what is defined as I guess a normal society, learning to deal with those cultural biases is part of that.

FEMALE SPEAKER: Absolutely.

JOHN: And unfortunately -- what you've described, believe me, it's heartbreaking. It's horrible. But at the same time, it's a cultural bias that has to be addressed. The individual could be -- this individual could have been or maybe should have been -- first of all, it needs to be tended whether the individual is really impacted by it. I don't know.

FEMALE SPEAKER: I heard later, she was.

JOHN: Maybe sitting alone is something that was preferred. But if not, I think the best you can do is educate that individual that they have other options. If we have an obligation, and we're going to follow the community-based thing, then maybe the obligation is that we're indicating to that person, this is not a lifetime sentence, this job, okay, that there may be other options available. But again, I think that gets away from what we're doing here because you can't measure that. And I think that's a moral and ethical responsibility we have as providers. I don't know that we can cot that. I don't know if that makes sense.

BARBARA: This is part of -- I'm sorry. This is part of -- when I first worked for -- when Bill and I first worked for DuPont, we were the first people with disabilities. And a booklet came out, Equal to the Task. And I don't know if that look let's still around. But they -- they understood us, you know. And -- I mean, I'm not saying not everybody goes far. I didn't know much about the business world. But we went pretty far.

TERRY: And this is Terry. I think the more we integrate people in the community --

BARBARA: Yeah

TERRY: -- the more that stigma will go away.

FEMALE SPEAKER: Absolutely.

TERRY: It's when they're not integrated in the community --

BARBARA: Yeah.

TERRY: -- that the stigma exists.

MARLENE: There is Marlene. And I just want to also comment on that. I think one of the reasons why were doing this work is to address that very thing, that we have set structures and systems in place that have created this idea that people with disabilities should be separate and are not equal. So the more folks have an opportunity to integrate into the community, and the community at large has been opportunity to interact with people with disabilities, the more they can see that they are just like themselves and -- (indiscernible).

GAYLE: Gayle. I have one more thing to say. I mean, I think that there's been a lot of research - and Brian already -- will speak to this better than I -- but from what I read, to the extent that the

supervising are head entity supports the individual who may be of a different culture, da, da, da, da, da, then the organization comes along. In schools, it's the principal. Then the rest come along. And this is a very important place right here. And I -- I don't know if it's exactly in the medicaid thing. It may be. But if we seek to -- to promote support from the top, and like DuPont did, that it helped you, I really imagine it helped you. I can't prove it. I think it probably helped you. If you seek to create an organizational culture that does support -- you don't have a better chance. Not everybody is going to. But you're going to have a better chance. And just some kind of -- something in a mission statements or someplace around to give some support or -- and just some training. That's just what I'm talking about. And maybe it does apply to this, because this thing is huge. And I don't -- I don't think just going out there by yourself, and when enough people get there, it's going to all turn around. I'm not sure when that will be. We'll be long dead. 1500 years from now.

FEMALE SPEAKER: Gayle, I think -- I think you're right. I think there's -- a combination of things that need to occur. One -- one is that, hopefully, the employer setting, will be taking some responsibility to help educate their other employees. But they don't have to be mutually exclusive. You know, you have folks with disabilities becoming more integrated into the community. The community sees individuals with disabilities being like themselves, and then you have also the employer indicating this person is -- what was the title of that pamphlet, Barb?

BARBARA: Equal to the Task.

FEMALE SPEAKER: Right. To then you know, a combination of these things occurring, I think, over time, will make this (indiscernible) -- so I don't disagree with you, Gayle, at all.

SUSANNA: And this is Susanna. I think we're all in agreement about how wrongheaded that is. I'm just not sure this CMS ruling is trying to -- I don't think that it's tasked to fix that.

FEMALE SPEAKER: It may not be, but it's almost a shame. Because --

SUSANNA: Well --

FEMALE SPEAKER: -- it says seeking to integrate and do all of this. If it doesn't do something, say something about that culture that's established, and at least, ask companies, or department of labor promotes it, or there's something that, at least, attaches to this, it's a terrible shame, because there is a national movement that's supposed to make things better

GARY: This is Gary --

FEMALE SPEAKER: I'm finished.

GARY: I agree with Gayle. And I don't understand why it would not be within the scope of even being construed within the scope of the intent of the ruling or the settings rule to go ahead and apply that question to support an employment. And if the answer was negative about that particular setting, that the person, essentially, is not well-socially integrated into the environment, then the outcome should be that there be a plan to -- for the supporting agency to deliberately try to change that. And that's all that would happen. It's not a death sentence for the program. It's a plan of improvement. So something would go in that person's -- person-centered plan for how to support the situation to try to grease the skids in terms of forming some relationships. So what's the harm in that?

SUSANNA: There's no harm in it. This is Susanna. There's no harm in it. So you're saying, we would require -- or request that medicaid-funded services support that activity from providers? Is that what you're saying, Gary?

GARY: Absolutely. I'm saying it's part of the intent of the rule.

SUSANNA: Well, we -- we can certainly say to CMS, we want you to fund our going in and training this organization and training the person we serve on how to make sure they have what they're looking for.

GARY: I don't understand what you're saying. They're already funding it.

FEMALE SPEAKER: That's right

BRIAN: Yeah. So in the definition of -- of supported employment, employer outreach and support is an approved activity within the definition of support --

MALE SPEAKER: Right. And plus, we can coach the individual on how to approach individuals and -- in different tactics on a personal basis.

FEMALE SPEAKER: Right.

MALE SPEAKER: And that may or may not be effective. But at least, we're trying to address the problem.

DENISE: This is Denise. This whole process actually covers, under DMMA and under DDDS, all peoples with disabilities of any diagnosis. We're addressing just the DDDS part of it. But all of the rules cover everybody, including people like me. If I was receiving home-and-community-based services or medicaid-funded services -- and I can tell you that back in the '80s, when I went to work for Hercules, it was very, very similar. They wanted to decide what office I could work in, where I would be saved and everything else that they didn't do for anybody else. During that time, I used crutches and braces. And I went to a wheelchair during the time that I was there. And I had to beg and plead to be able to bring a wheelchair into my work environment, because there was no such thing as reasonable accommodation or anything else. And I see that as very similar, no matter what your diagnosis is. To be integrated into the community, it becomes difficult, and there is just no way to legislate attitudes.

MALE SPEAKER: Right.

FEMALE SPEAKER: True.

DENISE: And the only way you can do it is to just do it.

FEMALE SPEAKER: Exactly.

DENISE: Show up and be there and be in the community and hope that it's facilitated by, you know, the providers and families and ourselves. They're just moving in the community, and that's just a side thing. But -- but I realize how difficult it is to integrate.

FEMALE SPEAKER: But once you're in there, I mean, now, I don't seem to have such as a problem.

FEMALE SPEAKER: To get a job or retire ?

GARY: That's one big thing.

DENISE: I retired first from Hercules because of my disability, because it got so bad, and it wasn't -- this was in the '80s, I retired from there, also, because there wasn't enough accommodation about future in the workplace. And then I worked in the State of Delaware, and that was fine. But when it comes to this -- I -- I think it is a good idea for the providers and families to be involved in educating the general community on that real belonging.

TC: This is TC. I agree with everything you're saying, Denise, and everybody that's spoken before you. My concern is that we respect and give people the choice that they don't want to be integrated. Integration is a wonderful thing. And in the ideal world, everybody would be integrated. But there is a population that don't want to be integrated that are happy working with

people just like them. And I just hope that just in the process, we don't lose -- we give them an opportunity to keep doing what they do.

SUSANNA: Okay. This is Susanna. Do we think we can move on with the state questions? Or does anyone want to add anything to this --

JOHN: This is John. I just have one question, because I truly agree with what you're saying, but I don't know how that shows up in this self-assessment tool, that indicates that it's occurring or not occurring, or that it's part of the community-based mandate that's coming out of Medicaid. On principle, I'm with it. And during diversity training, it's terribly important -- and I think it's -- for some providers, you know, for us, we do that. So there are some providers that actually do that, even without being prescribed. But this tool that we're using is a prescriptive tool. You are answering questions to determine whether something's occurring or not, and whether or not it is related to being a community-based process. So I guess, what I don't know is what does that -- I mean, what does that look like in here?

FEMALE SPEAKER: All right.

JOHN: That's what I wanted to ask.

FEMALE SPEAKER: Could be -- it be -- the providers who help people get jobs. In the job searching, or job-creation effort, is there -- is the provider making an effort to see that people are socially -- the person will be socially accepted, integrated, something? Making an effort. I mean, just -- just so it's raised. You might not even think of it. I don't think any of these people I'm talking about are thinking about what they were doing, except I'm sensitive to its. And I'm lucky. And that's all.

SUSANNA: Is there some way you would like to include this when we're adding questions?

FEMALE SPEAKER: Yeah.

SUSANNA: Maybe you would take that back element and think about that, and when we go to the adding additional questions, maybe you could formulate a couple of questions that might speak to that and address that situation that I think everyone at this table cares deeply about. I just am not quite sure how we get it in here.

FEMALE SPEAKER: Okay.

SUSANNA: These are the only questions that the states that Lisa had included. We have three more states that are not included on here, Massachusetts, Hawaii and Connecticut. And we can go through these, if you would like. I have them here. Any thought, Marissa, about whether or not you could -- too much?

MARISSA: No. Which one are you --

SUSANNA: Connecticut.

MARISSA: Let me just pull it up from the Excel e-mail, and I'll just cut and paste --

SUSANNA: Okay. So we're going to do Connecticut next.

MARISSA: Give me a minute. Take a five-minute break.

SUSANNA: Okay. Five-minute break. We'll be back at 20 of. (Recess)

SUSANNA: All right. TC, do you see those? TC, do you want to read those?

TC: Yeah, sure.

SUSANNA: We're going to -- we're going to get started. They'll jump in.



TC: Just start with Number 1?

SUSANNA: Yup. TC: Okay. Was the individual given a choice regarding where they spend their day?

SUSANNA: And I think that's addressed –

MALE SPEAKER: Somewhere's else

SUSANNA: Yeah. I think we have already addressed that. Can we cross that off?

FEMALE SPEAKER: Okay.

SUSANNA: Yes, no?

FEMALE SPEAKER: Where was it addressed?

TC: Okay. Is the individual able to choose what activities to participate in during the day?

SUSANNA: Yes. There's one that says, do they have choice of –

BRIAN: Yes, so the last -- this is Brian. The last Minnesota question, the person has a choice of how often they -- how often they participate in community activities, the types of community activities.

SUSANNA: Okay. So one and two are crossed off for Connecticut.

DENISE: This is Denise. Could we maybe mark them to what was included previously? So when it comes to word smithing later on down the line, we can take a look at what's the same.

SUSANNA: Okay. New category included previously.

DENISE: Well –

DENISE: Just my -- (indiscernible) -- with word smith and (indiscernible).

TC: Is the individual employed in the larger community?

SUSANNA: That's a definite larger community word smithing one. Larger, broader.

TC: Right.

SUSANNA: Could be -- tries to get that word in there somehow.

TC: All right. Is the individual able to choose his or her own schedule separate from other individual schedules?

SUSANNA: That's also included, but I'm sure Denise is going to want this in there for word smithing.

TC: Sorry. Forgot you are reading from here. Sorry. Are the individual's preferences incorporated into the services and supports provided?

SUSANNA: I don't think that's -- that's the person-centered plan.

TC: Right. Can the individual choose the provider of services and supports?

MALE SPEAKER: (Indiscernible).

SUSANNA: That's also in there earlier.

TC: Is the individual free from coercion?

SUSANNA: That's also in there, yeah.

TC: If the individual has concerns, is she/he comfortable discussing them? SUSANNA: And that's in there.

TC: That's in there.

MALE SPEAKER: Sure is.

TC: Does the individual have an active role in developing their IP?

FEMALE SPEAKER: No.

SUSANNA: Brian, why are you laughing?

BRIAN: No, I was laughing at the fact that you were --

SUSANNA: O h. Okay.

BRIAN: -- word smithing --

SUSANNA: Quit laughing.

TC: Does the setting facilitate integration of individuals within the broader community? Example, civic groups, volunteerism, gyms, classes, recreation, et cetera?

SUSANNA: And we've already done that with the broader-community issues.

BRIAN: I'm sorry. This is Brian. So back to number 9, the one that got laughed at. So we're saying that that one's a duplicate from something earlier? Is that --

FEMALE SPEAKER: I didn't hear that.

MALE SPEAKER: I don't think Number 9 is.

FEMALE SPEAKER: Yeah, Number 9 is not.

BRIAN: So I just want to make sure we're -- (indiscernible).

SUSANNA: And -- and we'll word smith that, because we don't have an IP. Well, do we? I mean, it's going to be the person-centered plan, which is --

TC: Okay. Are individuals able to vote? (Laughing)

FEMALE SPEAKER: (Indiscernible).

MALE SPEAKER: There was the word (indiscernible).

TC: Does the individual have a choice which is not limited by state laws, regulations, requirements or facility for the cause or practices?

MALE SPEAKER: Well, I'm not sure that references anything.

SUSANNA: Yeah.

MARISSA: This is Marissa. Are we -- do we have laws, policies, procedures, protocols, practices in place that specifically hinder an individual to exercise choice? That's what I think this question is getting at.

MALE SPEAKER: It needs different wording.

SUSANNA: Yeah, that really does need to be reworded.

MALE SPEAKER: Different wording. Yeah.

SUSANNA: All right. Physically accessible. We don't even need to word smith that.

MALE SPEAKER: No.

TC: Asked and answered.

SUSANNA: Supports and –

TC: Delete?

SUSANNA: Delete. Denise, we're deleting that one, because there aren't any words in there that we haven't already seen.

DENISE: Okay. SUSANNA: Okay?

MALE SPEAKER: We've used up all the words?

SUSANNA: Yeah. (Laughing)

TC: Are supports or adaptations available for the individuals who need them?

SUSANNA: That's also covered.

FEMALE SPEAKER: Delete?

TC: Yeah. Are individuals able to come and go at will?

SUSANNA: That's also passed the vote.

TC: Do individuals have access to public –

SUSANNA: Publics are covered.

MALE SPEAKER: Public transportation.

MALE SPEAKER: Yeah.

TC: If public transportation is limited, are other resources provided to individuals?

SUSANNA: Is that this anywhere?

MALE SPEAKER: I don't think so.

TC: I haven't seen that.

SUSANNA: So we'll leave that one.

MALE SPEAKER: Yeah.

TC: Is the individual's PHI and other perjury information kept private?

SUSANNA: That's also in there.

FEMALE SPEAKER: Delete?

SUSANNA: Yup.

TC: Does staff communicate with individuals in a respectful and –

FEMALE SPEAKER: That's in there.

TC: -- and dignified manner ?

FEMALE SPEAKER: That's in there.

FEMALE SPEAKER: Delete?

TC: Yup. The qualifications of the setting requirements, see explanation, for an individual are made, are they supported by an assessed made and justified in the individual plan?

SUSANNA: I think we should leave that in for discussion relative to other questions, both word smithing and –

TC: Okay. Is there documentation of positive, less-intrusive interventions and supports used prior to any plan modifications?

SUSANNA: I thought Marissa was responding to the question, but I think she was responding to the technology. Does -- thoughts about this?

DENISE: This is Denise. I don't think that's specifically addressed before. But it is in part of the CMS rules about have other things been tried --

SUSANNA: Right

DENISE: -- before you go to something that's more restrictive.

SUSANNA: So we'll leave that in.

DENISE: Yeah.

TC: Does the plan include a description of the condition that is proportional to the assessed need data to support ongoing effectiveness of the intervention, time limits for periodic reviews, informed consent and assurance that the intervention will not cause harm?

SUSANNA: I think those are all good things that we're going to want to look at.

TC: Yeah.

SUSANNA: But the -- one of those ones where there's seven questions in that.

MALE SPEAKER: And that comes in directly from CMA, so --

TC: Okay. Do individuals have privacy in the bathroom?

SUSANNA: Already talked about that.

TC: Can bathroom stall doors be locked?

SUSANNA: Do we need that in there?

FEMAL SPEAKER: Does anyone have a fault on that? Marissa says we need it.

TC: Okay. Do staff or other individuals knock before entering?

FEMALE SPEAKER: For what, the bathroom?

TC: Yeah.

MALE SPEAKER: Not my office.

FEMALE SPEAKER: (Indiscernible).

TC: Are we still on that one?

SUSAN: No. Sorry.

TC: Okay. Is the area free from video monitoring slash continuous monitoring -- monitoring?

FEMAL SPEAKER: Sorry.

SUSANNA: Yeah, we have in there before, are there cameras.

TC: Cameras, right.

SUSANNA: In today's world, nothing is free from monitoring. And I probably -- it probably needs to be a thought.

FEMALE SPEAKER: For clarification, are we word smithing it -- (indiscernible)?

SUSANNA: No. We already have that in there.

MALE SPEAKER: It's a duplicate

MALE SPEAKER: Well, we don't in relation to work area. So that's new. It was only in reference to personal -- personal care.

SUSANNA: Okay.

MALE SPEAKER: But I --

SUSANNA: Lee it in, too

MALE SPEAKER: That's a whole -- I think that is kind of a random concept that isn't related to anything, this one.

TC: Well, the one that's in there just says are there cameras present in the facility. So it's sort of open ended.

MALE SPEAKER: Yeah. Or buried in there.

TC: So --

MALE SPEAKER: So that probably covered it. Isn't it?

SUSANNA: Are we comfortable with taking this out, or do we want to leave it in for -- to toss it up against the other one and see if we want to word smith?

BRIAN: This is Brian. I think it can be taken out and have another question that is more --

MALE SPEAKER: Broad.

BRIAN: -- broad.

SUSANNA: Right. Additives. Brian said out. He has such power.

TC: Does the facility have adequate staff to accommodate specific spontaneous requests from individuals?

SUSANNA: Well, we haven't seen that anywhere.

MALE SPEAKER: Almost sounds like a silly question.

MALE SPEAKER: It does. (Indiscernible).

MALE SPEAKER: Of course, they're not, no.

MALE SPEAKER: Right. Do we grant everyone's wishes?

FEMALE SPEAKER: (Indiscernible).

SUSANNA: Let's leave that in there. It will give us a laugh every time we look at it. All right. Connecticut's done. Okay. It is 12 o'clock. It's five already. I think, rather than have Marissa put Massachusetts and Hawaii and -- I think we'll put them in and do them next week -- and go back to the agenda. I believe that next week, we will continue doing this. And then we will move on to the next stages of -- I think, someone, maybe myself or Marissa or Lisa, is going to put these into categories. Plug the headings in before next week. So that we can begin to word smith. And we'll go through Massachusetts and Hawaii first, and then we'll begin to word smith. And I think we also are going to want to come up with some definitions that we'll probably want to plug in at someplace. Is there anything -- I mean, I think we're going to see the light at the end of the tunnel of what we're really doing here. We still have to -- and I would charge everyone with adding additional questions. If you go through this, if you have time to read through this and think about what we have talked about, and are there questions that you might

come up with that are missing. Gayle already knows. She's working on one that she feels is important that she has to capture. Brian is going to work with you on that.

GAYLE: Brian already wrote it, but he might do a better job.

SUSANNA: There's a definitive word. So we know that already. How do we think 9:30 to 12:00? We got an extra half hour in. And we're going to do public comment in a minute. So we'll probably get out by 12:15.

JOHN: Susanna. This is a –

SUSANNA: Sorry.

MALE SPEAKER: Little out of order. Someone gave me Michigan and I more than hesitated to interject another state.

MALE SPEAKER: I wouldn't.

MALE SPEAKER: But it is extremely concise and well worded. And I would suggest that maybe, whoever is going to compile the list of items, maybe we can throw in Michigan's, because it looks like, almost across the board, things are captured more precisely than what we've seen.

SUSANNA: Can you give me a copy of that?

MALE SPEAKER: Sure. I don't know if I got it electronically. I'll track it down. I obviously got it on paper. Yeah. But I think it might really help us.

SUSANNA: Okay. So –

MALE SPEAKER: John looked at it, too, and the format as well. And the wording is ahead of most of the other examples. SUSANNA: Excellent. So --

FEMALE SPEAKER: Brian's seen it? You know, Brian is the definitive –

MALE SPEAKER: Well, that's why I didn't show it to Brian.

MALE SPEAKER: He's going to get consensus for it. (Laughing)

SUSANNA: Okay. So you'll -- you'll make sure -- maybe I can get a copy here. Gary?

GARY: Sure. Absolutely. There are two different sections to it. But I don't -- oh. The other part's

SUSANNA: Okay.

GARY: I don't know what it is. I'll give it all to you.

SUSANNA: Okay. Does anyone have anything that they want to add to next week's agenda to talk about before we turn it over to the public for comment? Because -- where is Libby? Because Libby does need to speak, because I insulted her before. Not only did I not let her speak before, now, I'm going to charge her with speaking.

FEMALE SPEAKER: You mean Lisa?

SUSANNA: Lisa. I'm sorry.

FEMALE SPEAKER: Double insult.

SUSANNA: I'm sorry. I'm really having a bad day. I got the John/Gary going on.

MALE SPEAKER: I'm looking around the room. There is nobody here.

SUSANNA: Okay. So –

FEMALE SPEAKER: I don't have anything specific, unless someone wants to ask me, because I was here last night. (Indiscernible).

SUSANNA: Bill? Does anyone –

MALE SPEAKER: Yeah, I'm going to throw a clinch into this. New Hampshire just passed the minimum wage to show the workshops. Why can't Delaware?

SUSANNA: That's certainly -- I think that's a great question to ask. It's not really for this committee to decide that. But it's certainly something that can be asked at any -- you know, in any form where that's the task of deciding -- that would -- I think, Kimberly, wouldn't that be up to the legislature to decide that?

KIMBERLY: Sure.

SUSANNA: So we wouldn't have any ability to decide that, Bill. That would -- we would just –

MALE SPEAKER: I just threw that out, because New Hampshire just passed a law.

SUSANNA: Right. I saw that, also

FEMALE SPEAKER: (Indiscernible). It will be brief. I just -- I wanted to second TC's comment about there are individuals, and many of them are younger, and many are autistic, who are firm or comfortable with people like themselves, or are uncomfortable, going into a world that is overstimulating, and maybe, in time, the world will be less hard on them. We don't know. But that is affecting -- so many parents mentioned that and several talked about it last night. That not everyone is going to want what we would hope that they would want. And that's -- that's a reality. I don't know where that fits in anything but it -- it could be a problem down the line, if we have to be charged -- (indiscernible).

FEMALE SPEAKER: And the older generations.

FEMALE SPEAKER: Yeah, the older as well. But I think -- I just have a feeling it is more and more going to be an issue, because they they'll be more and more autistic kids. And -- but that's for down the road I suppose. I just wanted to get that one in, because it was a concern.

SUSANNA: To make room for them, too.

FEMALE SPEAKER: Yeah. It is going to be -- it's always more complicated than people --

SUSANNA: Before you got here, we discussed last night's -- Steve's presentation and questions and all. So people on this workgroup discussed this. Maybe you have something to share.

FEMALE SPEAKER: I do have questions. What time is the meeting next week? Because I didn't realize we were starting a half-hour earlier today. Sorry. I missed the discussion. I thought it was -- I thought it was a really good discussion for Steve and Lisa to hear, because they don't necessarily -- they aren't as exposed to the different opinions maybe as -- as some of who -- Lisa Zimmerman.

FEMALE SPEAKER: Yeah, Lisa. It's a different Lisa.

FEMALE SPEAKER: Since they don't live and breathe this all the time. And I think it -- I think it was really helpful for them to hear those concerns. At the same time, I felt like I perceived, at least, that the families and maybe the (indiscernible) who were there felt like they were being listened to.

FEMALE SPEAKER: Yes.

FEMALE SPEAKER: And that's just as important.

FEMALE SPEAKER: That did come up several times, that they have not felt listened to, and they felt -- (indiscernible).

FEMALE SPEAKER: So what time are we meeting next week?

MALE SPEAKER: 9:30.

SUSANNA: 9:30. I think -- we did a pretty good job with Lisa not being here. Kudos. And thanks to Marissa for picking up that gauntlet and running with it.

MALE SPEAKER: You might want to rephrase that for public record. We did really good that Lisa wasn't here. Remember, that transcript, that -- all you're doing is reading it.

SUSANNA: That was John saying -- (indiscernible). (Laughing)

SUSANNA: So do -- we'll adjourn?

FEMALE SPEAKER: That sounds good.

SUSANNA: And we'll see you next week at 9:30. Barbie and Emanuel, we know they will not be here. So you better send me notes in advance, Barb. Barb and Emanuel, send us notes in advance, if you have specifics that you want us to incorporate.

BARBARA: Okay.

SUSANNA: I'm pretty sure Katina never ever was there, because she's not someone to be that quiet.

FEMALE SPEAKER: I was going to say, she was there in the beginning. She did check in.